Looking Back at Middletown *Donald Canty*

THE NEW REPUBLIC

A Journal of Politics and the Arts — January 29, 1972, 50 cents

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Snow Job In Colorado

Sam W. Brown, Jr. on the '76 Winter Olympics

The Right to Make War

Eugene G. Windchy

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[Ramparts' Tours]

CHILE

Ramparts Magazine's first tour to Chile last month was highly successful, to broadly understate it. The 25 readers that went along were unanimously delighted with not only the political events, which occupied fully one half of the 16 days, but also with the sightseeing portion, which carried them to the southern lake region and to the Pacific beaches. Chile is like no other country in the world open to U. S. visitors—deeply involved in a peaceful political and economic revolution. Among the political events of the last tour (to be repeated in the next one) were a visit to El Teniente mine, formerly Kennecott's property, now the people's; a tour of the Che Guevara squatter's township in Santiago and its adjoining 1000 unit housing development; and a visit to a nationalized textile mill, now under worker-control. The group will meet with artists, publishers, educators, students and representatives of each of the political parties. We will visit a hospital, child care center and public school.

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by Roger Neville Williams

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TRB

from Washington ®

A Dole for Rich Folks

Four of the men we admire most were testifying almost unseen in a hearing room in the Senate Office Building last week before indefatigable Senator Proxmire, two representatives, an audience of maybe 30 lost in the spectators' chairs, and one tired motion picture camera (CBS News) intermittently taking pictures. Since it was about taxes and Mr. Nixon's whopping deficit the talk inevitably turned to Jean Paul Getty.

Getty is the expatriate American who is possibly the richest man in the world, worth a billion or a billion-and-a-half dollars (after the first billion, who cares?). He receives a cozy daily income of around $300,000. The men who were testifying were probably the top tax experts in America, Joe Pechman and Ben Okner of Brookings, Stanley Surrey of Harvard, plus Phil Stern, author of *The Great Treasury Raid* and sponsor of the fund for investigative journalism that financed the Mylai massacre revelations.

All the group wanted to do was to show how the Treasury could save $60-$70 billion in leaked taxes. Naturally there were few there, and little interest.

The federal graduated income tax goes up to a theoretical rate of 70 percent and under it Getty would presumably write a check every April 15 for the Internal Revenue Service of around $70 million. But Getty is an oil man with all sorts of escape hatches, and President Kennedy told a couple of senators back in the early sixties that Getty's tax, at least at that time, was no more than a few thousand dollars.

The tax witnesses took it up from there. After all, what is more fun than watching the rich get richer? Surrey came up with this cheerful example. Congress wants to stimulate community development and home ownership, so it gives a tax deduction on mortgage interest payments estimated to have cost (in lost taxes) $5.7 billion in fiscal 1971. Because the federal income tax is graduated, the rebate is worth $70 per $100 for a taxpayer in the top, 70 percent, bracket. It is worth only $14 to the taxpayer in the lowest bracket. It is worth nothing at all to the poor man who isn't in the income tax scheme. As a consequence of using a tax instrument to provide assistance, about 70 percent of the total goes to individuals with incomes over $10,000. The law puts no limit on the value or number of residences for which a taxpayer may receive aid. Billionaire Getty may have a dozen residences, a modest chateau here, a little castle there, who knows? – all with satisfactory tax deductible loans. It is an example of the jolly brutality of our present tax system.

Congress has been boring loopholes into the tax laws for years; it is doubtful if it has known what it was doing; many of the escape holes were set up for desirable purposes but, in the aggregate, turning the federal income tax into what Representative Henry Reuss called a swiss cheese. All told, Proxmire has identified at least $60-$70 billion in subsidies. And there's not a loophole that can't be gouged wider by a good tax lawyer.

In most cases it would be vastly cheaper to give simple, direct federal grants. Take tax-exempt bonds, for example. Cities and states finance themselves by selling bonds to the rich that are like church indulgences, sold in the Middle Ages, to keep a loved one out of Purgatory. Only these are tax indulgences. The poor today can't afford to buy them – it takes money to escape taxes. As Surrey figures it the Treasury pays a dollar in tax benefits to a top-bracket taxpayer so that he will pass along 75 cents in interest rate benefits to the state or city issuing the bond – a 133 percent commission.

Three thousand families in America have an annual income of $1,000,000 or more. The experts explained the lovely bargain-counter subsidies, tax shelters and rebates open to the top 3000 – America's fiscal elite. They are in fields like oil drilling, stock farming, equipment-leasing and the like. Poor people can't shop here; few of the 12 million shabby families with incomes under $5000 go into these Tiffany shops.

Tax incentive rebates are only one form of subsidy but it is amusing to consider them in this light. It turns a lot of things upside down. For example, the 1971 act gives a tax credit for political gifts, a worthy objective it seems, amounting to a credit of one-half of the contribution, up to $25 on a joint return. Thus if a taxpayer sends $25 to a candidate, the government in effect will also send $25 – the result of allowing half the amount off in taxes for a $50 contribution.

But if poor people contribute money the government refuses to match funds. Poor people don't pay income taxes; they are below the taxable level for participating.

It's all very complicated, of course, and hard to follow! Phil Stern tried to put it in simple terms. Suppose, he said, you read an imaginary AP dispatch from Washington saying that "Congress today completed action on a revolutionary welfare program that reverses the usual pattern and gives huge welfare payments to the super-rich but only pennies per week to the very poor."

You would rub your eyes, but that is the way, he says, the system works. Under the fictitious new program, Stern's imaginary dispatch continues, "Welfare payments averaging some $720,000 a year will go to the nation's wealthiest families. For the poorest families (under $3000) the welfare allowance will average $16 a year, or roughly 30 cents a week. The program, enacted by Congress in a series of laws over a period of years would give America's most affluent families added weekly take-home pay of about $14,000. Total cost of the program – the most expensive welfare program ever voted – comes to $77.4 billion a year."

Stern, of course, means that present tax subsidies and shelters now actually amount to this huge total; many of them of social value but in the aggregate giving a staggering benefit to the rich. The burlesque dispatch quotes affluent economists as saying "this is just what America has needed to bring jobs and prosperity to all" and a spokesman for the Yacht Builders Association of America predicting "a great resurgence in the yacht industry." The satirical dispatch concludes with Washington reporters pressing the Senate sponsor on whether the new law carries a "work requirement," like most welfare bills: "The senator seemed puzzled by the question. 'The rich? Work?' he said. 'Why, it hadn't occured to me.'"

Incidently, Phil Stern (45), magna cum laude Harvard, onetime aide of the great Paul Douglas, is a multimillionaire.

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Low in The Saddle

This year and in the coming decades of "vast new growth and change" that will be "the dominant reality of our life in America," the President said in his State of the Union address, "we can be like a fallen rider caught in the stirrups – or we can sit high in the saddle, the masters of change, directing it on a course that we choose." In the address, a simplistic document composed for television, and in a written message of 15,000 cloudy words, Mr. Nixon sat himself low in the saddle, head down, slouching, a nervous warrior riding toward reelection and already dodging the arrows flying at him. To change the analogy, one is left with the impression of an administration standing by with buckets of water and bags of sand to throw on fires of discontent, not enough to put them out, but enough to keep them from spreading.

The address and the message – the latter a return to a practice abandoned since the time of Woodrow Wilson – were flabby and timid. They were neither a "call to reason and to realism" nor a summons "to dream," though both invitations were extended by the President. They added nothing of significance to the modest domestic proposals for welfare reform, national health care, government reorganization, federal revenue sharing and the like, that accumulated in the first three Nixon years and that the President rather meekly urged Congress to get busy and enact.

A promise to offer, later in the year, a better method than the property tax to pay for public schools was only a promise, and it was made dependent upon further study of the problem. From all indications, the President has in mind a disguised, national sales tax to pay for education. No matter how it is financed, "there can be no compromise" on the principle: "local school boards must have control over local schools." Even if local boards segregate children by race? That tough issue is never directly confronted in either document. There will be more money for defense in the next budget, mostly for nuclear and strategic arms, but the total will still be less than the amount recommended for social purposes – an empty claim, as it has been since Mr. Nixon first made it two years ago, if the sums expended from Social Security and other trust funds are deducted. The President skittered around the huge deficit (more than $35 billion, compared to $1.8 billion in JFK's third year) that he would be an-

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nouncing in his forthcoming budget message and the foreseen deficit, maybe lower but sure to be staggering, in the fiscal 1973 budget. Even in his references to foreign affairs, with the inevitable reminder of his trips to Peking and Moscow, there was an oddly wan and passive note. These passages amounted to a plea not to expect too much, to have "no illusions," to settle for his ventures abroad as grand gestures, symbolic reaches for "the generation of peace" that has been his theme and remains his theme. "As our involvement in the war in Vietnam comes to and end . . .," he says in passing, but no word on when or how, which was probably prudent, since the President remains determined to honor our "commitment to the people of South Vietnam" (read Thieu). No mention of India or Pakistan.

This was all he gave us: old themes, wearily repeated. The administration sees itself (but does not advertise itself) as the liberal, leading edge of a conservative constituency – and many conservatives see it that way, too, and don't like it. But in reality it is a cautious, publicity-minded administration, more boast than bite, preoccupied by the vote-value of ideas. The President presumably figures that his address and message are effective campaign documents, justifying his bid for another term. If he does, his judgment is worse than we have thought.

"Under his maxi-policies, he's wearing a mini-program."

Raising Wages

The Fair Labor Standards Act has been amended repeatedly since Congress voted in 1938 to eliminate as rapidly as practicable "labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." It set a minimum hourly wage of 25 cents and overtime pay for hours worked in excess of 40 per week at 1½ times the worker's regular rate. The definition of covered workers has been widely extended, and the minimum wage has been increased 7 times. Since February 1968, it has stood at $1.60 per hour for about 35 million workers, mostly industrial, and somewhat lower for those in agriculture and retail trade.

It now appears that Congress will raise the minimum for the eighth time. The House Education and Labor Committee has approved a bill setting the industrial workers' minimum at $2 per hour; the Senate Labor and Public Welfare Committee will take up its own bills shortly, with some sentiment that the minimum should go up to $2.25. The administration isn't opposed to a higher minimum but would prefer an increase first to $1.80 and, about two years later, to $2. A good guess would be that the $2 minimum will be law by summer. The House bill would extend coverage for the first time to five million federal, state and local government workers and 1.4 million maids, cooks and domestic workers in private homes. The latter group would be assured a minimum of $1.80 an hour and $2 a year later.

As debate heats up, it will again be said that a higher minimum will create more unemployment, drive employers out of business, result in higher consumer prices, force employers to mechanize or automate to save on labor costs. Thus the First National City Bank of New York, in its December 1971 economic letter, charges that "The impact of minimum wage legislation has gone a long way toward proving that the road to hell is paved with good intentions. No matter how well-meaning the motives of those who supported previous increases in the minimum wage, the result has been monotonously consistent – the low-paid and unskilled have been forced into the ranks of the unemployed. Despite a plethora of statistics supporting this previous result, Congress apparently has not got the message."

There may not be a "plethora of statistics" on the subject, but there are some. For example, statistics show that today, with the minimum wage at $1.60, the unemployment rate among teenagers and nonwhites (the groups which are mostly involved in minimum-wage jobs) is higher than in 1956, when the minimum wage was 75 cents. But in the interval there has been an accelerated growth of the teenage and young black labor force, sparked by the postwar baby boom and black South-to-North migration. In

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the last two years there also has been a slack in the economy, with far fewer job opportunities for the young. Who can swear that the higher minimum wage was *the* cause or even a major cause of this higher joblessness. No one. William J. Shkurti and Belton M. Fleisher, writing in the *Southern Economic Journal*, reported a slowdown in employment trends in retail trade when first covered by minimum wages. Yet the Labor Department, in its annual report on the Fair Labor Standards Act, said that in 1970 (when the minimum went up 15 cents for workers in retail trade) "employment in retail trade and services – the industries where the newly covered group is largely concentrated and hence most likely to manifest some impact from the wage increase – fared better than industries unaffected by the statutory escalation in the minimum wage." Again from the Labor Department: "A comprehensive study of the relationship between youth employment and minimum wages was completed in March, 1970. . . . A significant finding was that it was difficult to prove any direct relationship between minimum wages and employment effects on young workers."

Most economists concede increases in the minimum wage do result in some job cutbacks and a few business failures. But in every instance, there has been less economic disruption than critics expected. Several years ago, after a minimum-wage increase and dire warnings of higher jobless rates and higher prices, an official of a Pittsburgh department store was quoted in *The Wall Street Journal:* "Well, I guess things aren't as bad as we thought they would be." The American Enterprise Institute thought "the 1966 amendments (raising the minimum wage first to $1.40 and then to $1.60) added more than one percent annually to the wage bill, constituting a significant inflationary component of the consumer price index." Yet the Labor Department says, "In view of overall economic trends, it is doubtful whether changes in the minimum had any substantial impact on wage, price or employment trends. Of much greater significance, however, is the fact that the boost helped millions of workers recover some of the purchasing power eroded by the steady upward movement of prices which had started even before the enactment of the 1966 amendments."

One part of the debate is over the advisability of a two-tier minimum wage system, with teenagers getting a 20-cent or 40-cent lower differential. The Nixon administration likes the idea. The pending House bill would permit employment of high school and college students at rates less than the prevailing minimum wage except in certain hazardous jobs. That might help the teenagers but hurt those just beyond that age. And since the administration's own Labor Department has found no real link between minimum wages and youthful employment, why enact a differential?

Sort of Reform

The nation finally got its long-awaited campaign spending reform law last week, the first of any consequence since the Corrupt Practices Act of 1925. A conference report that the Senate approved in December passed the House 334-19 and went off to the White House for signature. The new law prohibits candidates for federal office from spending more than six cents per voter on television and radio advertising, out of a total of ten cents per voter for all media. If it had been law in 1968, Nixon could have spent only $7 million on broadcast ads, instead of the $12 million that was spent. Candidates will have to report periodically to the House clerk on what they spend. Contributors will be identified if they donate more than $100 to a campaign, which means big contributors will remain anonymous if they write lots of $100 checks. Campaign committees in every state will have to report expenditures or fund raisings of $1000 or more, which means more committees will be formed. The bill doesn't touch the broadcasting equal time rule, which the Senate wanted abolished to encourage TV debates between major candidates.

The new law won't, as alleged, "revolutionize" American elections, which are expected to cost over $400 million this year. But it will challenge anew the ingenuity of candidates, parties and contributors to find ways of doing what they've always done, without getting into trouble.

Housing Scandal

The administration has a genuine scandal on its hands, if not one entirely of its own making. It is the plunder of federal housing subsidy programs in the inner cities. Speculators have wrung vast profit from the subsidy programs and tax shelters, sometimes selling decrepit homes to poor families who cannot afford to fix or hold them, sometimes building slipshod new apartments, which quickly slide into decay. Then the speculators have pulled out, leaving buildings abandoned, entire neighborhoods blighted, the poor worse off than before and HUD unhappily holding the mortgage, the property and the bag.

At first, HUD tried to discount the dimensions of the scandal, then belatedly began reexamining the administrative procedures (FHA's field personnel had been blandly watching all of this go on for years and its appraisers, usually local real estate men hired for a fee, at best had shown heroic incompetence). Finally, Sec. Romney announced a series of meetings to discuss the problem in five especially hard-hit cities.

HUD's deeper response may be read in Romney

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speeches defining "the real city" as the metropolitan area. Having found the inner city entirely too "real," Romney and his associates have been turning their attention to the suburbs and entirely new communities, on the unarguable grounds that new choices of residence should be opened to the entrapped inner-city residents. The other side of the coin, however, is a new HUD regulation, effective February 7, that could bar subsidized housing from inner-city urban renewal or model cities areas. It is "designed to assure that building in minority areas goes forward only after there truly exist housing opportunities for minorities elsewhere," according to a notice in the Federal Register. That regulation must be read in the context of repeated promises by the administration that there will be "no forced integration" of the suburbs. So what is being said to the ill-housed in the inner city is, in effect: "We're not going to do anything that will help you move out where the wider housing opportunities are – certainly not anything vigorous enough to upset our suburban friends – but meanwhile we can't do anything to improve the areas where you now live."

The key to resolving this dilemma and to ending the plunder of inner-city housing programs is something this administration has abjured – a positive federal role in urban development on a metropolitan scale. The inner-city scandals have again proved that the private real estate and housing market cannot be the vehicle for sheltering the poor, especially the minority poor. This is a public task, as is the opening of new housing opportunities for the poor and minorities in outlying areas.

Violence Doesn't Hurt

The US Surgeon General released last week a weighty report on the effects of violent television on children. The gist of the 300-page document is that TV programming doesn't have a bad effect on the majority of children but may influence those predisposed by many factors to aggressive behavior. (As does the latest report on the latest crime in the neighborhood, when discussed at the family dinner table.) Analysis of the findings must await a reading of the 43 separate papers submitted to the Surgeon General's Scientific Advisory Committee on Television and Social Behavior. The report, which cost $1 million, will be presented to Senator John Pastore who, as chairman of the Senate subcommittee on communications, had asked that it be made and now plans hearings on it.

"Under certain circumstances," we learn, "television can instigate an increase in aggressive acts. The accumulated evidence, however, does not warrant the conclusion that televised violence has a uniformly adverse effect nor the conclusion that it has an adverse effect on the majority of children." Are such insights worth $1 million? Will expensive but equivocal studies result in better programming?

This is the latest flaccid inquiry on TV violence. The National Association of Broadcasters began one in 1954 which, when finished in 1963, produced "no direct evidence." A network group called the Joint Committee for Research on Television and Children did another and concluded the evidence is inconclusive. The Senate juvenile delinquency subcommittee held hearings in the early sixties; Senator Pastore's subcommittee has supported the search for "meaningful answers"; the Eisenhower Commission on Violence found that habitually watching violence on TV "increases likelihood" of aggressive behavior in the viewer and it recommended more research, which the Surgeon General's report ostensibly supplies.

The New Republic noted on August 1, 1970 ("Let's Do a Study") that the Surgeon General's advisory committee of 12 had been chosen in a manner likely to prejudice its ultimate findings. The networks were allowed to pass on the appointments. Forty names were submitted to them and they blackballed seven on the grounds that they had previously done research hostile to television violence. Five of the twelve members of the committee chosen had been, or were at the time of their selection, in the direct employ or were paid consultants of the networks.

Plenty of Butz

Freshly confirmed Agriculture Secretary Earl Butz lived up to his reputation in his first major Washington speech, to the National Press Club. He was mildly funny, partisan, insensitive.

On the 44 senators who voted against him: It was "that bunch of clowns running for President in the Senate . . ." who succumbed to a "temptation to demagogue beyond human resistance"; it was all partisan politics. (Opposition in the Senate was bipartisan.)

On the flight from the farms to the cities: Holding the Secretary of Agriculture responsible is like holding the Census Bureau responsible for a change in population. (But the Census Bureau has no influence on population shifts; USDA does have on farm income.)

On American exports to underdeveloped countries: ". . . when we were off on this binge of feeding the world. . . ."

On food prices: When Butz wants a steak and goes to the store, the steak is there. If it were priced more cheaply, there might not be any left.

But since this is an administration that wants to be judged by what it does, not what it says, a Butz foot-

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note is in order: It fell to him to announce that the administration had capitulated to pressure from Republican governors and will restore food stamp benefits that were due to be ended or reduced in February for more than two million Americans.

Forward with the Courts

In what is sure to provide prime reading matter for the US Supreme Court, a federal judge in Richmond has ruled that the city's school system must be merged with the predominantly white suburban districts in order to achieve desegregation. In 325 pages, US District Court Judge Robert R. Merhige, Jr. found that the state of Virginia has been a party to maintaining restrictive racial patterns which has resulted in a Richmond city school system that is more than 70 percent black, while surrounding Henrico and Chesterfield counties have more than 90 percent white enrollment. "Powers enjoyed by the state [education] board and state superintendent before and after 1954 have been exercised openly and intentionally to frustrate the desegregation of the three school divisions of the metropolitan area and others throughout the state," the judge said.

He gave the state 30 days to create a single district with a single school board for the Richmond area. He also divided the metropolitan area into six parts, five of which are wedges, with the city of Richmond as the center of the pie. Children – probably about 78,000 of them – will be bused within each wedge, about 10,000 more than were bused before the decision. Teacher assignments will be restructured to assure faculty integration. The black-white ratio would be about 40-60, with no school having less than 20 percent blacks.

Officials in Henrico and Chesterfield have settled down to write their appeal. (Judge Merhige last week refused to grant a delay in implementing the order.) *The Richmond Times-Dispatch* seemed to have saved up a year's worth of epithets to sling at the judge, calling the decision "pernicious gibberish," "appalling," "a malignant precedent," "a nauseating mixture of vacuous sociological theories and legal contradictions," and concluding with the thought that "the Merhige decision could lead to the destruction of local governments, locally controlled, and to the division of the states into purely administrative regions." Civil rights groups were generally elated, until it was realized that the consolidation might hurt the city school children financially, since Richmond has more taxable wealth per pupil ($40,000) than Henrico ($31,000) or Chesterfield ($18,000).

What the Richmond decision underlines is that, with a few notable exceptions – particularly the Supreme Court's ruling in *James v. Valtierra*, in which the court upheld the right of local jurisdictions to hold referenda on controversial issues such as public housing – advocates of equal protection under the law have been winning in court. If the Richmond decision is upheld, whites will have to move away or turn to private schools to avoid integration.

School financing schemes which favor wealthy school districts over poor ones are also being ruled unconstitutional by state courts in California and New Jersey and federal courts in Minnesota and Texas. Exclusionary zoning patterns – legalized racism, some would call it – are being tested in Mahwah, NJ, Oyster Bay, Long Island and Black Jack, Mo. Federal courts in several parts of the country have decreed in the past year that the government cannot promote segregation by locating its housing projects in areas of high minority concentration.

The same week as the Richmond decision, the Office of Civil Rights in the Department of Health, Education and Welfare issued a couple of reports which cast some interesting sidelights on the desegregation issue. The first study showed that segregation in the south is now the lowest in the country (about 9 percent of the schools segregated), lower than in the north (with about 11 percent) and much lower than in the border states (with about 24 percent). The second, a survey of 76 large cities, showed, to nobody's surprise, that in certain cases integration has been followed by white flight to the suburbs. In these cities, segregation has been reduced, but the total school population has dropped while black student population has risen.

Embroiled in Oil

To help President Nixon keep prices down during Phase II, Sen. Proxmire (D, Wis.) has been investigating government policies that drive industries' prices up. As a start, his subcommittee on priorities and economy in government took a look at the oil industry.

Oil and gas provide 75 percent of the nation's energy fuels; virtually every consumer product has touched oil or gas at some stage in the factory if it isn't actually made from them. Oil is our richest industry: net earnings of the 91 leading petroleum corporations in 1969 topped $50 billion, exceeding telephone, steel and autos. It also gets some of the biggest government plums. Proxmire and his witnesses estimated that the oil import quotas and special tax deductions cost consumers $9 billion each year, or $180 per family.

Proxmire started with the oil import quotas, which keep cheap foreign oil out so that domestic companies can charge more. The Treasury Department estimates the quotas inflate oil prices $5 billion each year. A barrel of the common one-percent-sulfur oil was sell-

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ing in New York for $4.80 on January 3, but only $2.09 in Rotterdam. In the first 12 years after Eisenhower imposed the quota system by executive order, American oil companies increased domestic exploration 11.5 percent while they bolstered foreign exploration 63.8 percent. Between 1965 and 1970, quotas cost consumers $7.4 billion more than in 1959-64, 2.3 times as much as companies spent exploring for both oil *and* gas. Taxpayers could have subsidized exploration costs directly and saved over $4 billion.

The oil industry thrives on a battery of special tax favors enjoyed by no other American industry. The 19 largest oil companies, grossing $8.8 billion in 1970, paid on the average an 8.7 percent federal income tax; most other corporations paid 50 percent. The juiciest plum, of course, is the percentage depletion deduction, which allows companies to recover capital they have invested in buying drilling rights. The theory behind the deduction was sound enough when Congress accepted it in 1918: oil is a high-risk business, involving numerous failures as well as successes. Once a company strikes oil, its capital invested in drilling depreciates as the oil well dries up. All businesses get similar deductions, recovering a fraction of their original investment each year until they get back the full amount. But in oil, the depreciation is unusually generous. Thomas Field, a long-time oil tax expert at the Justice and Treasury Departments, told the Proxmire committee how this works: if an oil producer invests $10,000 buying drilling rights, strikes oil and then sells the oil for $100,000 each year for ten years, the depletion deduction would be $22,000 each year for the full life of the well.

The oil producer recovers $220,000 – 22 times the original investment. "It is entirely possible for petroleum producers to enjoy tax free 'recoveries of capital' that are hundreds or even thousands of times larger than the amounts originally invested," said Field. According to a Treasury study last year, the 25 biggest oil companies made 20 times as much from the oil depletion allowance in 1969 as they would have from normal deductions. Proxmire doesn't think the oil companies deserve it. The Treasury study shows the 25 biggest companies lost only 1.5 percent of their total operating costs drilling "dry holes" that didn't produce any oil.

To Our Subscribers

Rising editorial, production and postage costs oblige *The New Republic* to raise its subscription rate. The increase is designed, as the Price Commission noted in approving it, "to provide the opportunity to break even." As of March 1, 1972, a one-year subscription will be $15 (32 cents an issue), and for students or members of the armed forces, $10 (21 cents an issue).

The oil depletion system has one side effect the government didn't count on: it encourages oil producers to hike the price of crude oil as high as the market will bear. Since the companies deduct 22 percent of the sales income of crude oil at the well, there's a built-in incentive to raise prices to maximize deductions. There's another tax benefit that promotes high prices: most of the crude oil in America is produced by the same companies that refine it. They're vertically integrated corporate giants that control every step of the oil process, from drilling and producing to transporting, refining and marketing. The biggest companies like Gulf and Humble produce at least 82 percent of the crude oil they refine; literally, they buy most of their oil from themselves. The Internal Revenue Service taxes the production end of the oil business at a much lower rate than the refining end, so oil companies try to siphon as much of their profits as possible into production. The higher the price of crude oil, the higher their production profits and the lower their taxes. Since 1969, oil companies have boosted crude oil prices two times, by 23 percent.

Five of the eight largest US oil corporations (Standard of New Jersey and California, Gulf, Texaco, and Mobil) control half of the non-Communist world's oil, and the federal government gives them further tax breaks overseas. These companies pay large royalties to foreign governments, which the Internal Revenue Service lets them deduct dollar for dollar from their federal income tax. As a result, some companies pay no federal taxes on millions of dollars earned overseas. It's a bonanza that makes exploring the oil business extra profitable abroad, which helps explain why the oil giants increased foreign exploration during the sixties. These foreign royalties shrink oil corporate taxes by $2 to $2.5 billion each year, according to the Treasury Department. If the government is trying to encourage domestic oil production – the only justification for oil import quotas – then the whole tax system is "ridiculous," Proxmire said.

The government has toyed with the possibility of changing oil laws, but reform never gets far in Congress, the Interior Department (which administrates oil laws) or the White House. The oil industry has at least a half dozen lobby groups in Washington and ranks among the largest contributors to political campaigns. Directors of the American Petroleum Institute contributed $430,000 to the Republicans in 1968, and $30,600 to the Democrats, according to the Citizens Research Foundation.

In February 1970, a Cabinet Task Force, which included most of the cabinet secretaries plus other top government officials, concluded that oil import quotas were "unacceptable." They said the system hasn't protected the national security, but has "spawned a host of special arrangements and exceptions . . . has imposed high costs and inefficiencies on consumers and the economy." Nixon "dissolved" the task force

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and established an Oil Policy Committee (essentially the same group under a new name), which went into reverse and backed import quotas. Congress did lower the oil depletion deduction from 27.5 percent to 22 percent in 1969, for the first time in over 40 years – but the percentage points have scarcely made a difference. Industry profits are steadily increasing.

Government oil experts say they can't even begin to reform oil laws until they learn more about the oil business, the only major industry that decides which statistics it wants to report and which ones it doesn't. The corporations won't tell how much profits they make from oil production and how much from refining; they won't tell how much royalties they pay in each country, but instead report a lump figure for "foreign and some states' taxes." The Treasury has some new vital statistics on the 25 largest corporations but won't release them.

Most of the information at Proxmire's hearings was old to those who understand the oil business, but it reminded the public that the government isn't doing absolutely everything possible to keep prices down. But then, "When it comes to a fight between the industry on the one hand and the consumers on the other . . . you know who wins," says Proxmire.

FBI in the Nude

Someone else has decided to expose the FBI. Former special agent Robert N. Wall has written his "confession" in the January 27 *New York Review of Books*, sketching the seamy side of bureau operations as he saw them during five years in the Washington, DC field office. He quit in disgust in 1970. Many of the failings he describes can be found in any bureaucratic spying agency: voyeurism, devotion to gossip and rumor, obsession with The Enemy (Communism in this case), and constant pressure to confirm the supervisor's assumptions. The last of these is the most disturbing, because it points ultimately to J. Edgar Hoover and the fact that for 48 years this man alone has directed the nation's closest approximation to a federal police force.

Former agent Wall's story confirms the method of surveillance recorded in the FBI's files at Media, Pa. The Justice Department claimed that these files, stolen last March and released to the press, are not representative of the FBI's performance. For example, one of the documents showed that FBI agents, apparently without subpoena, had examined bank and telephone records of the National Black Economic Conference, tapped its phones, and gathered unsubstantiated gossip from informers. Wall says that he and other agents commonly obtained records extra-legally, tapped phones and spied on people who were suspected of sympathizing with the "New Left." This is troubling, but not unexpected.

What's new in Wall's account is the revelation that the FBI had, and may still have, an active *agent provocateur* program calculated to splinter anti-administration groups and cause factional strife among antiwar organizers. Wall says that the FBI tried to discredit antiwar marches by assigning agents to write "fanciful press releases warning that violence was expected . . . or that some known Communists were active in organizing the march." After the march on the Pentagon, he says, the FBI intentionally leaked an in-house report theorizing that the demonstration had been organized by Communists to embarrass the government. The Bureau hoped this would frighten away moderates.

According to Wall, the Bureau also meddled in antiwar politics, as when it forged a letter in 1969 to the National Mobilization Committee saying that "the blacks of Washington, DC would not support the upcoming rally of the NMC unless a twenty-thousand dollar 'security bond' was paid to a black organization in Washington." As intended, it angered and confused the march organizers. Wall says that agents sometimes went into the streets during a demonstration to pass out flyers giving incorrect locations and times of rally points. These charges are serious, but the FBI has refused comment except to say that Wall was once a special agent.

By now there is persuasive evidence that the FBI undertook a massive surveillance program to keep tabs on most of the dissident political groups that have appeared since the escalation of the Vietnam war. Mr. Wall reports that he personally was ordered to compile a list of all the Washington area branches of the Students for a Democratic Society (SDS) along with the names of their officers. Among the Media files made public last March was an order from Hoover asking for "discreet, preliminary inquiries" into "all BSUs [Black Student Unions] and similar organizations organized to project the demands of black students." He considered them likely targets "for influence by violence-prone Black Panther Party (BPP) and other extremists."

The 1971 FBI Annual Report contains a full chapter on domestic intelligence, beginning with the remark that "New Left extremism posed a serious danger to the Nation's internal security in fiscal year 1971." Testifying before the House Appropriations subcommittee last March, Hoover made known his concern for national security by citing a long list of organizations the bureau was watching. Among them were the Revolutionary Youth Movement, the SDS, the Worker Student Alliance, the Weathermen, Yippies, White Panthers, Venceremos Brigade, the Peoples Coalition for Peace and Justice, the New Mobilization Committee, the National Peace Action Coalition, Progressive Labor Party, Black Panthers (complete with lists

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of college speaking engagements), the Socialist Workers Party, Communist Party and others. All have been investigated.

Under the Sedition, Civil Disturbance and Smith Acts and several executive orders, the FBI is authorized to investigate sabotage, treason and anything or anyone it considers "subversive." But it has never been authorized to take an active role in breaking up organizations; that's left to prosecutors in the Justice Department. Mr. Wall's story indicates that in its enthusiasm to uncover conspiracy and prevent violent demonstrations, the Bureau has overstepped its legal bounds. Victor Navasky, in his book *Kennedy Justice*, warned that Robert Kennedy may have set the precedent in the Justice Department for this missionary approach to law: "The risk of the code of the Kennedys, . . . to the extent that it accommodated the personalism and moralism which help account for the Get-Hoffa Squad, was that it transmitted to succeeding Justice Departments the precedent for a Get-Dissenters Squad." As Navasky points out, the danger is that the Attorney General, or the FBI Director, will choose his enemies first, and then search for violations of the law.

When J. Edgar Hoover went before the House Appropriations subcommittee last March, he asked for $30.9 million more than last year to bring the FBI's total 1972 budget up to $334.4 million. A large portion of the increase is slated to pay for expanded investigations into "the general criminal field and particularly in the internal security area where the terroristic activities of the New Left and black extremists have accelerated and the intelligence activities of foreign countries have intensified." The FBI is now preparing to move into an enormous new headquarters on Pennsylvania Avenue (costing about $102 million) where it hopes to computerize its fingerprint files, expand the already automated National Crime Information Center, and begin a Computerized Criminal History System. Before these projects begin, the moment is right for someone outside the Bureau to take a sharp look at the standards applied to domestic intelligence and the means used to classify "subversives."

Neither the Chairman of the House Appropriations subcommittee, John Rooney (D, NY), nor his Senate counterpart, John McClellan (D, Ark.), has ever questioned Hoover's budget. No congressman wants to ask for a review of the FBI because none thinks he can afford to make an enemy of Hoover; whether or not it's true, they all believe he has files on them he might leak to the press. It's seven years since Hoover was granted an indefinite presidential exemption from the mandatory retirement age in the Civil Service (70 years), and it's 48 years since he took control of the FBI. Wall's account of the bureau's obsession with political conspiracy makes it clearer than ever that Congress should undertake a full review of Mr. Hoover's counter-intelligence activities.

Drugs that Don't Work

Judging from sales, the American people will swallow anything, and every swallow has its price. That is why the Food and Drug Administration has begun a study of over the counter drugs (pills, powders, syrups you can buy without a doctor's prescription) which, when completed three years from now, is supposed to set us straight about at least 100,000 different patent medicines. New drugs must be proved safe and effective under drug amendments passed by Congress in 1962 – new drugs, but not common drug formulations "generally recognized as safe" by qualified scientific experts. That loophole means that any pharmaceutical company can introduce, market and advertise a drug without telling FDA the drug exists, much less proving that it's harmless and that it does what it's supposed to do. The company need only decide for itself that the drug is not a "new" drug, and thus does not require government evaluation and approval of experimental test data. Dr. Charles C. Edwards, the commissioner of food and drugs, doesn't know at this moment if there are 100,000 discrete proprietary drugs on the market or half a million. If a preparation is not a "new drug" his agency can't act against it (assuming it is suspected to be ineffective or falsely advertised) except by bringing suit and getting tied up in years of litigation. Furthermore, federal lines of authority cross at certain points. The Federal Trade Commission, not FDA, has jurisdiction over advertising of over the counter drugs; if a product is promoted on television in a deceptive way, the government agency we generally think has authority to stop it is helpless. Add to all this the spotty history of law enforcement by the FDA and everybody who takes a patent medicine has cause to wonder whether he will get relief or become ill from the medication.

The current FDA study will take a new tack against potentially harmful or ineffective drugs. Dr. Edwards is forming 26 different panels of scientists to examine research that has been conducted and then determine what ingredients may and may not be used in drug formulas. One panel will study laxatives, one antacids, another cough syrup, etc. According to Dr. Edwards there are only about 200 basic ingredients used in all of them. (Other sources say 85 companies manufacture 85 to 90 percent of all over the counter drugs.) There is remarkable duplication of products. A score of over the counter sleeping pills and sedatives contain the same three basic ingredients. Since that is true for most drug categories, the FDA believes it can work out standards governing what may be used to formulate a drug. Any significant variation, once standards have been set, will have to be specifically approved.

As Dr. Edwards describes the project, pharmaceutical manufacturers can do one of three things: remove a drug from the market, reformulate it in accordance with government standards, or prove that what they

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intend to sell works and isn't harmful. But the standard setting and implementation will take a long time.

The new FDA initiative is promising, so long as the promise is kept in mind. The impetus for it came from Senator Gaylord Nelson's years-long hearings on drugs, and Nelson is skeptical of a study that will take three years to certify some things already well known to FDA. That, he says, is too slow-acting a remedy. Drugs that have been discredited continue to be sold in pharmacies. For example, this billion-dollar-a-year industry produces about 100 over the counter sedatives or relaxants and 90 sleeping preparations. Dr. Edwards told the Nelson subcommittee that the manufacturers contend that their basic ingredients have been generally recognized as safe and effective for more than 30 years, and that filing new drug applications with FDA is therefore not necessary. Referring to these and other so-called mood drugs, Edwards said "most of these drugs are essentially ineffective in the dosages used and do have recognized side effects." The main ingredient of most sleeping aids is an antihistamine called methapyrilene hydrochloride. The slight calming properties of antihistamines are considered undesirable side effects in cold pills, but they are referred to in advertising for over the counter sedatives and sleeping preparations as a remarkable advance resulting from new research.

Dr. Karl Rickels, a Pennsylvania psychiatrist and pharmacologist who also testified, studied *Compoz*, both because it is typical of its class of drugs and because it is advertised as the "largest selling nonprescription sedative for temporary relief of simple nervous tension." In Rickels' experiment, 16 family doctors each treated eight patients who complained of "mild to moderate tension and anxiety." Some were given *Compoz*, some were given aspirin, some were given a sugar pill (placebo), and the rest were given *Librium*, a widely used prescription tranquilizer. The physicians then assessed clinical improvement. The aspirin, sugar pill and *Compoz* all brought about the same slight degree of improvement. All three were significantly less effective than *Librium*. The patients who took a placebo thinking it had therapeutic properties did about as well as patients who took *Compoz* thinking it would help. (Dr. Edwards has said, "I wouldn't say there isn't something to be said for a placebo in the right situation.") Dr. Rickels thought his study indicated the "ineffectiveness" of *Compoz* in relieving tension and anxiety. If, as Rickels' research showed, *Compoz* and other drugs of the same sort containing the same ingredients have no therapeutic benefits beyond those of a sugar pill their advertising should at the very least reflect that. But, we are told, there is no practical way for the FDA to proceed against ineffective preparations until the FDA's panels have finished their work around the end of 1974. "Final implementation, of course, will take additional time," says Commissioner Edwards.

The Next Senate

Democratic strategists on "the Hill" are quietly confident they won't lose any ground in the Senate next fall but may come up with a net gain of four or more seats, almost enough to wipe out their 1968 and 1970 losses. Furthermore, they don't think the outcome will be affected by the presidential campaign.

There are several reasons for their optimism. One is a simple numbers game. Nineteen GOP-held seats are up for grabs, in contrast to only 14 occupied by Democrats, the bulk of them seats that look fairly safe. (Half are in the South.) Secondly, strong Democratic challengers are emerging in several states, while the GOP is being hit by the retirement of strong incumbents (Jordan in Idaho, probably Cooper in Kentucky, possibly Smith in Maine).

However, the real Democratic paydirt is in the Farm Belt where continued unrest among family farmers plus strong candidates give the Democrats a shot at four GOP-held seats.

In Iowa, Rep. John Culver (D) is taking on Sen. Jack Miller (R); in South Dakota, Rep. James Abourezk (D) is showing up strong in polls as he prepares to battle for the seat of Sen. Karl Mundt (R), who was felled by a stroke and hasn't been on the Senate floor for about two years; in Nebraska, six Democrats have announced for the seat of Sen. Carl T. Curtis (R) and more may join the list – an indication that a lot of people think Curtis is vulnerable; in Kansas, Gov. Robert Docking (D) is being urged to take on Sen. James Pearson (R).

The Democrats also think they have a good shot at Jordan's seat in Idaho; they haven't written off Maine, where Rep. William B. Hathaway (D) is already running hard; and they're watching developments in Michigan, Kentucky and Texas.

At least three Democratic seats – Rhode Island, New Mexico and Oklahoma – look vulnerable, although Rep. Ed Edmondson (D) is given a slightly better than even chance of holding the seat of Sen. Fred Harris (D) for his party and several strong candidates are contending for the Democratic nomination in New Mexico, where Sen. Clinton P. Anderson (D) is retiring. In Rhode Island, Sen. Claiborne Pell (D) trails Secretary of Navy John Chafee (R) in the polls, an ominous sign for an incumbent.

Meanwhile, several tough primary fights are shaping

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up in the South. In Georgia, Sen. David Gambrell has been slowly but effectively building his fences since he was named to the vacancy caused by the death of Sen. Richard B. Russell, Jr. (D). However, several potential opponents are jockeying for position – State Labor Commissioner Sam Caldwell (a liberal), ex-Governors Lester Maddox and Ernest Vandiver and, possibly, ex-Gov. Carl Sanders. A clue to Gambrell's strength may lie in the decision of Rep. William Stuckey (D), who was very interested in the seat, to seek reelection instead.

In North Carolina, Rep. Nick Galifianakis (D) plans to challenge Sen. B. Everett Jordan and, in Arkansas, Rep. David H. Pryor (D) is taking a long, hard look at a primary race against Sen. John McClellan (D).

Democratic gains won't necessarily mean a more progressive Senate. For instance, Gov. Docking would probably be more conservative than Sen. Pearson, and Rep. Edmondson, if elected, won't match Sen. Harris' record of support for modern programs.

Cheers for Muskie

Sen. Muskie's managers in New Hampshire were delighted by the turnout at a reception in the Sheraton-Carpenter ballroom in Manchester the night after his formal announcement of candidacy. It was a well-advanced, one-stop trip. A crowd estimated at between 1000 and 3000 turned out, in zero temperature, cheering lustily and got the Maine senator's campaign in his neighboring state off to a good start. One observer said Muskie responded to the crowd's enthusiasm and relaxed, in contrast to the mannered woodenness of the previous night on TV.

Jackson's Worry

Sen. Jackson's managers are worried that he won't be able to make a strong enough showing in Florida to keep him going because of the entrance of Humphrey and Gov. George Wallace of Alabama in the primary. To remedy this, they sent William Brawley, a native of South Carolina, who held top positions in the Post Office Department and the Democratic National Committee in the early sixties and has been rescued from political oblivion by the Jackson campaign, to Nashville, Tenn. His mission: to urge Jackson's many friends in the Tennessee legislature to move that state's primary up to March 30. That would make it the fourth primary, before Wisconsin (April 4). Tennessee is regarded as one of Jackson's best states and a strong early showing there would keep his candidacy alive. But the Jackson people need the cooperation of GOP legislators and the state's Republican governor to do this. It seems unlikely they would help a Democrat who competes with them for conservative votes.

Humphrey Strength

The McGovern camp was amazed at a poll taken in the home legislative district of Rep. Morris K. Udall (D) in Tucson, Ariz. It showed 75 percent of the Democrats planned to vote in the "mini-primary" on January 29, a figure that is probably too high. But when these 75 percent were polled on preferences, Muskie and McGovern were tied with 26 percent each, while Sen. Hubert Humphrey showed great residual strength with 40 percent. There was just a trace for other candidates, including Mayor John Lindsay, who has since toured the state. Humphrey's problem: despite the poll, he doesn't have a slate of delegates pledged to him on the ballot and must rely on an "uncommitted" slate put up by organized labor. It's questionable if his 40 percent will know whether or not Humphrey has friends on that slate, or how many.

Tennessee

While new candidates were dropping into the Democratic presidential race almost daily, Rep. William Anderson (D) of Tennessee quietly dropped out and announced he would seek reelection from a proposed new district running across the southern part of the state from Nashville to Memphis. About half of it is in his present district. Rep. Anderson also declined to make the race against Sen. Howard Baker, Jr. (R).

New York

The incumbent members of the House from New York aren't the only ones watching the redistricting activities in Albany with interest. At least two young outsiders are also watching. One is ex-Rep. Allard K. Lowenstein (D), whose chances of a comeback would be good if a plan to put a considerable part of his old district in Nassau County together with a portion of the district of Rep. Joe Addabbo (D) of Queens is adopted. It would set up a Lowenstein-Addabbo primary. Another who is watching is Frank Espada, a 41-year-old Puerto Rican leader who teaches at Stoneybrook. Espada wants to take on Rep. John Rooney (D) in the latter's polyglot district on the Brooklyn waterfront. The district as constituted has large concentrations of black and Puerto Rican voters, plus liberal whites in the Brooklyn Heights area.

McGovern Majority

The Massachusetts Citizens Caucus of nearly 3000 liberal Democrats gathered in Worcester earlier this month to endorse a presidential candidate. Lindsay's people stayed away because they "had a basic theoretical disagreement with the presidential balloting aspect of the caucus." Most of the entrenched Democratic officeholders of the state are with Muskie, and

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sniffing Worcester as alien territory, they stayed away, too. Only McCarthy came, and only McCarthy agreed to abide by the decision of the caucus. The balloting showed that an early announcement and a year's organizing paid off for George McGovern. On the first ballot he received 51 percent; McCarthy, in second place, and Chisholm split the rest. By the third ballot, McGovern had surpassed the 60 percent needed for endorsement, and McCarthy and Chisholm had swapped places.

But the caucus gave a clue to how the ex-senator will answer the query, "Where have you been since 1968?" McCarthy ran through the litany: "When three of the other candidates stood on the platform in 1968 after the speech about the politics of joy, with their arms raised to the convention, I was in Grant Park. When an amendment was offered to require presidential approval before National Guardsmen could use live ammunition against American citizens, it got only two votes in the Senate. Mine and one other. When a black peace candidate challenged Henry Jackson in the Democratic primary in 1970, I was the only senator who campaigned in Washington against Jackson. And when Frank Rizzo – who now favors a municipal electric chair for Philadelphia – was running for mayor, I campaigned . . . for his Republican opponent. You ask where I was; I ask you, where were the others?"

The McCarthy campaign headquarters will close in Massachusetts, though his name may stay on the ballot for the April 25 presidential primary. McCarthy left other doors ajar, however. "Having finally rejected the premise, 'my country right or wrong,' " he said of the other hopefuls, "They cling to the less tenable notion, 'my party right or wrong.' " Thereby making it clear that McCarthy does not.

Fourth Party

A favorite piece of literature in the McCarthy headquarters is a Field poll taken in California last fall pairing McCarthy and Lindsay as fourth-party candidates against Nixon, three different Democrats (Muskie, Kennedy, Humphrey) and Wallace in four-way races. It showed Kennedy winning in any combination but McCarthy polling between 18 and 23 percent, depending on the Democratic nominee, and spoiling the chances of both Muskie and Humphrey. For instance, one pairing showed Nixon with 38, Humphrey with 25, McCarthy with 23 and Wallace with 7. Without McCarthy, Muskie trailed Nixon 40 to 42; however, with McCarthy in it was Nixon 37, Muskie 30, McCarthy 20 and Wallace 7. Lindsay, as a fourth-party candidate, ran a few points behind McCarthy but with the same effect. The poll reminds one of the single promise McCarthy is making on the campuses this year, namely: young people will have a choice in 1972. The Field poll gives his threat to run as a fourth-party candidate a sense of reality.

The '76 Winter Olympics

Snow Job In Colorado

by Sam W. Brown, Jr.

In May of 1970 three members of the Denver Organizing Committee (DOC) along with Colorado Governor John Love, Denver Mayor Bill McNichols and Walter M. Schirra, Jr. traveled to Amsterdam with 14 others to make a presentation to the International Olympic Committee (IOC) advocating Denver as the site for the 1976 Winter Olympics.

Up to that time, the organizing effort was financed by $500,000 in state and city funds, $200,000 in private donations, and $300,000 in donated goods and services. The money was spent for promotional activities determined by the 12 appointed members of the DOC, which included an airlines executive, two bankers, a telephone company executive, a magazine publisher, a former under secretary of the Navy, a university administrator, two attorneys and other business executives.

To promote Denver, these men and other Denver representatives had made trips at public expense to Mexico City, Spain, Yugoslavia and Switzerland, among other places, long before the Amsterdam IOC

SAM W. BROWN, JR., *was an organizer of the Vietnam Moratorium Committee.*

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meeting. The committee had been able to prepare an impressive report for the IOC.

Richard O'Reilly, reporter for the *Rocky Mountain News*, wrote in a six-part series on the Olympics published April 4-9, 1971:

> By May 1970 (the DOC) had compressed its bid into a fancy two-volume color picture book edition complete with slipcase and a half-hour color movie for presentation to the IOC at Amsterdam.
>
> The bid book was and is a magnificent piece of salesmanship. From the heavy coat of snow airbrushed by an artist onto a photo of Mt. Sniktau, to cover potentially embarrassing bare spots, to the statement that construction of an Olympic speed skating rink "will begin in 1970," the books contain a series of misrepresentations.
>
> Denver promised 100,000 beds for tourists when only about 35,000 will be available, Norman C. Brown, DOC public affairs manager, admitted.
>
> And it promised a 45-minute drive from the Olympic village to Mt. Sniktau, but didn't mention that was possible by shutting off all traffic on I-70 and running six lanes of buses up the mountains, Brown acknowledged . . . .
>
> Denver promised to stage Nordic ski events requiring snow-covered countryside in a rapidly growing mountain residential area with a 4 per cent chance of having enough natural snow.
>
> And Denver promised to hold Alpine ski races on a mountain which probably wouldn't be developed except for the Olympics.

By this impressive if dishonest salesmanship, Denver beat Sion, Switzerland, by a 39-30 vote of the IOC as the chosen location for the 1976 Winter Olympics.

Major Denver newspapers were elated and congratulatory. For the first time site locations were published in full. Small stories, however, usually buried in the back pages, and some letters to the editor began to reveal that not everyone considered it Colorado's finest day.

The Metro Denver Fair Housing Association charged that when low-cost housing for Denver residents was badly needed, money was instead being allocated for housing press people during the Olympics. They vowed to mount an anti-Olympics campaign unless immediate steps were taken toward more low-cost housing.

In November 1970 the Ad Hoc Committee of Citizens Interested in an Equitable Olympics (CIEO), a group of Denverites concerned about minority representation in Denver Olympic Committee planning, filed a protest and petitions with the city council. Six minority representatives were thereupon appointed to the 25-member DOC board of directors, none of whom were acceptable to CIEO. No minority members were appointed to the nine-man executive council.

A letter to the editor of the *Denver Post* was the only printed notice that the Colorado State Grange, with 8000 members, voted in September 1969 against holding the games anywhere on the front range.

Residents of Evergreen, the proposed site for the Nordic events, responded angrily to DOC plans. Evergreen is an unincorporated community of about 12,000 residents with Denver Mountain Parks in its midst. Seven hundred Evergreen residents attended a meeting with DOC officials at which they voiced their concern about the ability of Evergreen to handle Olympic-sized crowds and to emerge from the events without permanent environmental damage. Two Evergreen attorneys discovered, among other things, that the biathlon trail proposed to the IOC went through Evergreen's high school and an elementary school; that one hill would be leveled and another hill's top cut off for lifts and stands, and that proposed sanitary facilities would infect local wells. The prospect of a 7000-car parking lot in Evergreen did not thrill residents. A poll of 266 people showed 71 percent against holding the games there, 27 percent in favor.

Besides, the residents pointed out, Evergreen is in an area of the mountains known locally as the "banana belt," and its chances of having natural snow in late February, the date of the games, were less than one in 25. Artificial snow machines, which might be unacceptable to the IOC, could cost as much as $4.5 million. The residents formed an organization, Protect our Mountain Environment (POME), to fight the Olympics. On January 1, 1971, its board of directors voted unanimously to ask the state legislature to refuse funding to the DOC until another site was found.

DOC officials said in January 1971 that they would try to find another site. Three mentioned were Buffalo Creek in Jefferson County, Indian Creek in Douglas County, and Steamboat Springs. Residents in all three locations began organizing against the Olympics, and the DOC has said no more on the subject.

In the months following the Olympic bid, the slipshod methods of DOC planning and management became evident, and the secrecy of their closed meetings rebounded on them, as shown by the following examples:

- The principal owner of Loveland Ski Corporation, Bob Murri, first heard on his car radio that Loveland Basin was the site for some of the Alpine events.
- When the DOC announced that Alpine events would be held on Forest Service land, the Forest Service people there had never been approached on the matter. Furthermore, a study released by the University of Colorado revealed that the Sniktau site will generate the least amount of income and revenue of all sites studied, both during and after the Olympic attendance period. They said it was wholly unsuitable for after-

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use because of the space limitations in the base area and the absence of beginner and low intermediate slopes. The DOC eventually started looking for another Alpine site.

•The DOC announced the Denver Coliseum would be used for top figure-skating and hockey events. As of April 5, 1971, almost a year after the Olympic bid had been given to Denver, no one from the DOC had talked to Bob Faes, the Coliseum manager, about it.

•The DOC went to Maurice Mitchell, chancellor of the University of Denver, in 1969 and asked him, "Do you mind if we say that the Olympic Village could be at the University of Denver?" He agreed, but was not contacted again until ten months after the bid had been received. Students at the university have, of course, never been consulted about their coming eviction, which occurs in the middle of a quarter.

•In an international bulletin published in 1969, the DOC promised an international arts festival, claiming "The Denver-centered Festival figures to be one of the most historic tributes ever made to the many cultures of the world." A year-long festival in 1976 had been proposed by the Colorado Council on the Arts and Humanities (CCAH) in 1967, but the plans depended on adequate state funding, which has not materialized. (CCAH was given $27,157 of a requested $150,000 from the legislature in 1970.) The DOC never discussed with CCAH what could take place in actuality, and never offered them funding. At this point, the DOC has decided to bypass CCAH completely and run its own festival.

The DOC has produced no firm figures on costs; specifically, what percentage Colorado and Denver taxpayers will have to foot.

They did tell the International Olympic Committee that the games could be produced in Denver for $14 million because "we already have 80 percent of the facilities." Lt. Gov. John Vanderhoof later admitted, "They (DOC) were pressed for time so they lied a bit." On February 4, 1971, nine months after they had received the Olympic bid, the DOC told the Joint Budget Committee of the state legislature that the Olympics would cost $25 million – almost doubling the estimate in a nine-month period. Of this amount, they said, state and city taxpayers might have to provide $10-15 million – unless the federal government provides funding (which spreads the number of taxpayers helping to sell Colorado).

This is the revised estimate after less than a year's time, and if other Olympics are any indication, a strong possibility exists that the estimates will be revised upward again and again.

In spite of the fact that Colorado taxpayers may be footing up to three-fifths of the bill, they will not even be allowed to watch the events on their television sets at home, as the rest of the US will and as Grenoble citizens did during the 1968 Olympics. The DOC plans to ban live broadcasts in the state, except by closed circuit piped into theaters where viewers will have to pay.

Willy Schaeffler, member of the DOC board of directors, says, "I feel personally if Denver and Colorado spend $50 million on the Olympics even without a return, it's the best advertising for Denver and Colorado that's ever been done."

The only return the state will get is increased tax revenues, which is not expected to cover the costs. In fact, no government has ever made money on the Olympics, and even the DOC admits it is unlikely Colorado and Denver will. The Squaw Valley Winter Olympics in 1960 has, to date, cost the taxpayers more than 13 times the original estimate, a total of $13.5 million. The area has never become self-supporting, and when recently put up for sale by the state, only one bid was received – $25,000. H. D. Thoreau, chief organizer of the Olympics there, has said that if the California legislature had known the full cost from the beginning, "the games would not have been held in California."

The Grenoble Winter Olympics in 1968 cost $250 million, of which $50 million was paid by taxpayers. The city is still heavily in debt for it, and local property taxes have risen by an incredible 125 percent.

These figures, of course, do not reflect such hidden costs such as highways and streets, policing, water and sewage extensions, solid waste disposal, military equipment and personnel on loan, use of public lands, governmental agencies and services, uncontrolled growth costs to communities, and, of course, such items as loan of Public Service Company helicopters for visiting dignitaries. (This latter cost is presumably adequately covered by a recently granted rate increase.)

Concerned over these financial facts and possible environmental effects of the Olympics, two legislators, Bob Jackson (D, Pueblo) and Richard Lamm (D, Denver), introduced a bill in the Colorado House in February 1971 to prohibit any more state money from being spent on the games. The bill never made it out of committee.

On February 2, 1971, 11 Democratic legislators, eight of them from Denver, released a statement demanding that promoters of the Olympics furnish detailed information on the costs and environmental effects of the games. A resolution was passed unanimously in both houses calling for a legislative study of the state's role in the Olympics. On March 26, 1971, the committee recommended that (1) future state spending be limited to $600,000 to make the total state appropriations $1.1 million; and (2) the state should review DOC spending and site selection. On May 27,1971, the legislature gave final approval to a bill creating the Colorado Olympics Commission, which would approve all DOC contracts funded by the state and coordinate Olympic events with other state centennial celebrations.

The important watchdog functions of this commit-

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tee, however, were negated by Governor Love's 11 appointees, five of whom are men who have been heavily involved in either the effort to gain the Olympics or the planning effort since that time. What the DOC wants, the DOC will get. While the money amounts sound relatively small in the context of billions for weapons systems, they are critical to a small state such as Colorado. For instance, the cost of the bobsled and luge course is four times the annual state budgets for air and water pollution control; the cost of the speed skating facilities is seven times the budget for handicapped children; and the ski jump will cost 75 times the amount spent on the control of venereal disease last year.

Several of the Olympics events will leave permanent scars. The bobsled run, for instance, is a mile-long, refrigerated concrete snake which, as there are only 100 competitors in the world, has very limited afteruse.

More important, however, environmentalists are strongly concerned that the "Sell Colorado" concept will attract people and industry to a part of the state, the front range, that is already facing serious environmental problems from overcrowding, such as smog and traffic congestion. Denver now has the sixth worst smog in the nation, because of a high percentage of automobile ownership and atmospheric conditions.

The Denver Sierra Club on March 31, 1971 officially voted to oppose, for ecological reasons, Denver's hosting of the Olympics. The Colorado Open Space Council, a coordinating council of 36 environmental groups with a total membership of 100,000, has said that no more state money should be spent for the games "until more pressing statewide environmental needs have been funded." It urged that the planning commission appointed to review DOC decisions "should be structured and have sufficient authority so as to assure that environmental protection will be of first importance" and recommended that all committees, commissions and boards involved in planning and staging the games open their meetings and their records to the public.

Faith in the Denver Olympic Committee has not been bolstered by its record. Its members have talked up the long-term benefits of the Olympics to Denver citizens, yet the facts of the case show that their promises are often unrealistic and sometimes simply unfounded:

•Press housing for 3500 people will be needed during the Olympics, which the DOC talks of turning into low-income housing afterwards. However, the land under consideration is thought by city planners to be too isolated for low-income housing, although suitable for hotel development. In addition, successful development depends on cleaning out the railroad tracks there, which is highly unlikely before the Olympics because of lack of time and money.

•A mass transit system has been said to be possible because of the Olympics, and sketches have been drawn in city planning offices for a system using buses, monorails, mini-trains, magna-buses and cars. Yet the Olympics have very specialized transportation needs, basically moving large groups of people to certain places at certain times. These needs are obviously not those of a metropolitan population, and therefore any system designed for the Olympics will have very limited use for Denver citizens afterwards. The only exception is buses, which Denver already has.

It would have been more difficult for such a potential disaster to develop had it not been for three factors.

First, the planning has been done secretly. The press and public are barred from all meetings of the DOC; official publications generally consist of one office copy, not to be removed or duplicated; contradictory figures and opinions are issued, leading to misrepresentations.

Second, Colorado's most prominent citizens are almost all on one side of the issue. Both US senators, all Colorado congressmen, the governor and his 1970 opponent, the mayor of Denver and his 1971 opponent, the state's leading businessmen (particularly those with real estate interests), the two large newspapers in the state and a majority of both houses of the legislature favor the Olympics. On the other side have been blacks, Chicanos, environmentalists, many students, a growing number of low-income taxpayers, a small number of state legislators and residents of the areas near the proposed sites.

That the Winter Olympics is a sport for the rich paid for by the poor in order to promote real estate and tourism is not an easy truth to convey. However, a citizen's group has recently been trying.

Citizens' meetings through the spring and summer of 1971 led to the publication of a third-page ad in the *Denver Post* environmental section on January 2, 1972. Choosing the name "Citizens for Colorado's Future," the citizens then mailed 7000 people in the state a petition addressed to the IOC which stated simply, "We, the undersigned, respectfully request that the 1976 Winter Olympics not be held in Colorado. We will oppose any attempt to spend taxpayers' money in support of the Games." The cover letter with the petition was signed by John Zapien, head of the Legal Aid Society in a predominantly Chicano neighborhood; Representative Paul Hamilton, a black state representative; and Ruth Weiner, a leading environmentalist. State Representatives Lamm and Jackson joined in announcing the petition drive. The citizens' committee also plans to send a delegation to Sapporo, Japan to present their petitions to the International Olympics Committee.

A large number of people were simply waiting for an opportunity to express themselves. Volunteers, calls, letters and requests for speakers poured into the office.

The issue is rare in that its environmental and eco-

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nomic aspects complement each other, and environmentalists have joined, and are in fact being educated by, working people. The committee's greatest failure has been in its efforts to establish ties with organized labor leadership, which has been inclined to share the "growth is good" philosophy of DOC organizers.

Meanwhile, two important events have occured. First, Avery Brundage, president of the IOC, has advocated elimination of the Nordic and Alpine events due to "professionalism," a cut which would leave the major expenses of the Olympics intact (bobsled runs, housing speed skating facilities, etc.) while eliminating the major source of television revenue and spectator interest. Brundage has also stated strong opposition to dispersal of site events from the central city. Since the nearest of the five Alpine sites the DOC is presently considering is 75 miles away (1½ hours driving time), this could spell real trouble for the DOC when it meets the IOC in Sapporo.

Second, the Revolutionary Bicentennial Commission announced on December 10 that the 1976 Winter Olympics are to be an official part of the nationwide bicentennial celebration, thus establishing that, at least in Colorado, taxpayers will celebrate the Revolution by sponsoring promotions for the business community.

The Right To Make War

by Eugene G. Windchy

Last week Alexander M. Bickel discussed the need to limit the President's ability to make war, and he remarked that the Senate is very likely to pass a War-Powers bill designed to do that. The bill, which recently was approved 13-0 by the Foreign Relations Committee, recognizes a presidential right to repel attack, and to forestall the imminent threat of attack, but it requires that the President obtain permission from Congress in order to continue hostilities longer than 30 days. The principal author of the War-Powers bill, Senator Jacob K. Javits, says that legislation of this kind might have prevented the incremental involvement that led to full-scale war in Indochina. The Nixon administration opposes the bill and, apparently, any attempt to limit its ability to make war. Its representatives complain that the proposed restrictions would "narrow the power given the President by the Constitution." A basic question, therefore, is whether the President does have a constitutional right to make war and, if so, under what circumstances.

During 16 of the last 23 years, American Presidents have been waging undeclared wars. In the case of the Korean War, President Harry S Truman's decision appeared to be the product of emergency – the quick response to aggression. As we shall see later, it was more than that. In the case of the Indochina War, a gradual escalation was obscured by official secrecy, and then facilitated suddenly by the Tonkin Gulf resolution. That resolution has been repealed for more than a year, but the same war continues, hanging legally in mid-air, supported by an extrapolation of the Constitution known as the President's "inherent" power to commit armed forces to conflict. But even before the Tonkin resolution came under heavy fire, the State Department was busy refurbishing the executive branch's claim to an independent, constitutional right to make war. In a memorandum of March 4, 1966, that claim was stated concisely by Leonard C. Meeker, legal adviser to the State Department:

"Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States."

To prove his point, the legal adviser appealed to precedents back to the earliest days of the Republic:

"Since the Constitution was adopted there have been at least 125 instances in which the President has or-

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EUGENE G. WINDCHY, *author of* Tonkin Gulf, *contributed an analysis of the Pentagon Papers to* The New Republic *of Aug. 7 & 14.*

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dered the armed forces to take action or maintain positions abroad without obtaining prior congressional authorization, starting with the 'undeclared war' with France (1798-1800). For example, President Truman ordered 250,000 troops to Korea during the Korean war of the early 1950s. President Eisenhower dispatched 14,000 troops to Lebanon in 1958."

The present Secretary of State, Mr. Rogers, adds that the "constitutional process so wisely conceived by the Founding Fathers has worked well throughout our history." The secretary met with the Foreign Relations Committee to testify against war-powers legislation; he preferred to delay any new arrangements until "after the passions of Vietnam have faded into the past. . . ." He reminded senators that the judicial system does not like to entertain a challenge to the President's ability to make war. Indeed, the Supreme Court has refused to do so, in the case of Indochina, even when prodded by the Massachusetts legislature.

"America is in the midst of a grave constitutional crisis," the committee was warned by Alpheus T. Mason, an eminent authority on constitutional law. Mason favored trying to rein in the Chief Executive. Another scholar on that side of the fence was Henry Steele Commager, the distinguished professor of American history. In the 1950s Professor Commager defended President Truman's war as sanctioned by law and history. He now feels that the abuse of executive power subverts political institutions at home and threatens the peace abroad. "We find ourselves turning into a military society," Commager told the committee. However, the legal scholar John Norton Moore argued that the proposed restrictions were of doubtful constitutionality.

According to Secretary Rogers, the "electorate is the ultimate restraint." The individual citizen might be able to decide the issue at the ballot box, if he ever gets a clear choice. But what kind of guidance will the citizen receive? The nation's political leaders are divided, and so is the academic community. For at least 20 years the doctrine of the President's inherent war-making power has been supported by many scholars specializing in constitutional law, American history, international relations, and political science. This has been the sophisticated, modern view, reflecting a deeply held belief that the President needed extraordinary powers on the international scene and should have them. Because of the war in Indochina and its attendant domestic evils, however, some of our political and intellectual leaders are beginning to reexamine their position. It is my contention that the executive branch's appeal to historical precedent is not so valid as it has seemed.

When the Secretary of State appealed to the memory of the Founding Fathers, he raised a question that scholars testifying in favor of legislation were eager to deal with: what did the writers of the Constitution mean to do when they designated the President commander-in-chief but gave Congress the power to declare war? An abundance of 18th century documents, including the *Federalist* and James Madison's *Journal of the Constitutional Convention*, reflect the Founding Fathers' abhorrence of giving the war power to any individual person. One of the most oppressive of kingly customs had been the arbitrary, even frivolous, use of armed force, followed by the demand that everybody support the conflict as his patriotic duty. Power itself was a corrupting influence, the Founding Fathers agreed. They decided that one way to prevent harm would be to separate powers. Thus the government was established in three branches: legislative, executive and judicial. The executive, true to the spirit of his office, was to be commander-in-chief of the armed forces; but he was not to initiate war. That was to be the prerogative of the legislative branch, which, hopefully, might debate the matter until the source of conflict would fade away. Quite seriously, in part the arrangement was intended to "clog" the process of going to war.

According to Madison's *Journal*, delegates to the Constitutional Convention discussed giving Congress the power to "make" war, but finally settled on the term "declare" war. That left the President power to repel sudden attack. It was assumed that, as soon as possible, the President would obtain congressional authorization for further hostilities, if such were needed.

Now what about the problem of undeclared war? That came up during the administration of the second President, John Adams. France, because of a grudge against the United States, set privateers to raiding American commerce on the oceans; and so in 1798 – contrary to what Leonard Meeker said in his memorandum – the Congress authorized President Adams to protect American shipping. The Navy Department was founded at the same time. It is true that no formal war was declared. Deliberately, conflict was limited to naval hostilities, and it became known as the Quasi-War. A peace treaty was signed in 1800. In the same year, by the way, the Supreme Court held that a state of war could exist in the absence of its declaration. Justice Samuel Chase used the term "limited war." He said, "Congress is empowered to declare a general war, or Congress may wage a limited war: limited in place, in objects, and in time." In short, there is nothing new about undeclared wars or limited wars, except the President's claim to authority for initiating them.

But what about the many other armed actions that are said to have been ordered by the President? An extremely important element in the war-power controversy is a series of studies that show American Presidents making use of armed force on as many as 197 occasions. It will be recalled that Leonard Meeker told of 125 instances in which Presidents used armed force without obtaining prior congressional authori-

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zation. We already have dealt with one of Meeker's precedents, the Quasi-War. In a recent television debate, law professor Eugene Rostow, brother of economist Walt, told of 150 uses of armed force; and he declared that the war-making relationship between the President and the Congress had remained "constant" since 1789. Professor Commager, though he was testifying in favor of restrictive legislation, mentioned to the Foreign Relations Committee "100 to 110" uses of military power to "intervene outside the United States."

In examining various claims, I notice that there have been two principal sources of information: the State Department and, oddly enough, the World Peace Foundation.

In 1912, the days of rampant gunboat diplomacy, the State Department's legal office began publishing a series of memoranda titled *Right to Protect Citizens in Foreign Countries by Landing Forces.* From the beginning these publications listed many instances of the President's making use of armed force. Apparently the chief purpose of the memoranda was to justify the American position internationally; they are touchy about accusations of intervening in local political affairs. However, the State Department also gave consideration to domestic law. Its lawyers decided that the President was acting within his rights, and that Congress had only "doubtful" authority to control such uses of armed force since they did not amount to "acts of war." In 1941 somebody culled from the most recent memorandum 85 uses of armed force for "protection purposes," and certain pro-administration senators found the list helpful in justifying short-of-war measures to aid Britain: principally lend-lease and the dispatch of American troops to Iceland. Of course, the American citizens to be protected in Iceland were our own troops! Not only the logic of the argument but its scholarship was nothing to boast of. The initial use of armed force was given as President James Monroe's expelling of pirates from Spanish Florida in 1812, although James Madison was President in 1812 and the Florida expedition of that year did not have as its objective the expelling of pirates. (The seed of this confusion can be found in the 1912 study.)

The World Peace Foundation made its historiographic contribution in 1945. At that time some advocates of establishing world peace were anxious about whether the United States could participate in United Nations peacekeeping actions without having to refer every decision to Congress for a declaration of war. A legal scholar and former Assistant Secretary of State, James Grafton Rogers, set these fears to rest. Rogers looked into the State Department's files and some standard academic histories, and came up with 149 "Military Operations of the United States Abroad." Only five of the 149, said Rogers, represented "fully declared" wars. The World Peace Foundation published the Rogers study in a book titled *World Policing and the Constitution.*

Upon scrutiny, most of the military operations cited by James Grafton Rogers and the State Department are seen to have been minor peacekeeping jobs in primitive and war-torn areas. But some of the operations were formidable. In 1933 more than 3000 armed Americans were stationed in China, under the sanction of treaties dating back to 1858. Still other uses of armed force could be described as inconsequential and even fatuous. James Grafton Rogers lists, for example, the 1842 landing in Mexico of Commodore T.A.C. Jones, who mistakenly thought war had come. The Commodore "discovered peace, withdrew and saluted." In 1870, according to Rogers, the US Navy forced the US Consulate in Honolulu to lower its flag to half-staff in recognition of a royal death.

James Grafton Rogers' book was one of seminal significance. Professor Edward S. Corwin, a well known authority on constitutional law, found it useful in defending the constitutionality of the Atlantic Pact, which committed the United States to the defense of western Europe. In an article for *The New York Times Magazine* of July 31, 1949, Professor Corwin referred to the James Grafton Rogers list of armed actions and said of it:

"While inviting some pruning, the list demonstrates beyond peradventure the power of the President, as Chief Executive and Commander in Chief, to judge whether a situation requires the use of available forces to support American rights abroad and take action in accordance with that decision."

A year later President Truman took action in Korea, a nation with which we had no defense treaty, and the *State Department Bulletin* published an article in support of the President's legal position. The article quoted from James Grafton Rogers and other authorities. It also enumerated 85 previous "landings of American forces." This list had been taken from the *Congressional Record* of 1941; it omitted Iceland and again told of President Monroe expelling free-booters in 1812. The *Bulletin* article justified the Korean intervention by saying that the United States "throughout its history" had "without congressional authorization, acted to prevent violent and unlawful acts in other states from depriving the United States and its nationals of the benefits of peace and security." The State Department now was justifying the legality of a full-scale war, and it was appealing to precedents which, according to its previous argument, did not amount to "acts of war." Perhaps the ordinary citizen can be forgiven for seeing that as a contradiction. (It could be argued that in 1950 neither the President nor the State Department used the term "war." The Korean intervention was called the "Korean Case," the "Korean Police Action," and the "Korean Conflict." However, it *was* a war, as the State Department acknowledged in Meeker's 1966 memorandum.)

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Both Professor Corwin's article and the State Department list published in 1950 carried a great deal of weight. A few years ago they still were being cited to me by students of political science as proof that President Johnson did not need any congressional resolution to fight in Indochina. Any writer who said otherwise, I heard, would "just get torn to pieces." Ruhl J. Bartlett, professor of history and political science at the Fletcher School of Law and Diplomacy, shared my impression that the historians were somewhat less convinced than the political scientists. Bartlett himself favored the legislative prerogative.

As the Indochina war became the source of increasing anxiety, the State Department in 1967 bolstered the legal position of President Johnson by preparing a new, Texas-sized list of military precedents. The expanded study told of 137 "Armed Actions Taken by the United States Without a Declaration of War, 1789-1967." It plucked from James Grafton Rogers the abortive landing of Commodore Jones in Mexico, but carefully pruned out the Navy's lowering of the American flag in Hawaii. The new list was prepared not by the State Department's legal office but its Historical Studies Division. The document admitted that Presidents "occasionally" had sought congressional authorization for the use of armed force and that was an improvement; but it still exaggerated the degree of initiative exercised by the presidency, especially during the time the Founding Fathers served in that office. Let us take a look at the earliest military actions cited by the 1967 study.

The newest official list begins with the Quasi-War of 1789-1800. Correctly, it notes that the American naval operations were authorized by Congress.

The second precedent is the struggle with Mediterranean raiders known as the War with Tripoli (1801-1805). The official list says Congress passed "enabling acts during the conflict" but never declared war. What happened was that the piratical state of Tripoli declared war on the United States in order to loot our maritime shipping; President Thomas Jefferson dispatched naval vessels to protect the ships and their crews; and the American naval vessels refrained from conducting offensive operations until permission was received from Congress. Whether war was declared is a minor point. However, in looking up the legislation, I discovered that an act of the 7th Congress mentioned "warfare" and a "state of war." The word "declare" was not used, for what that omission might be worth.

The State Department's third precedent:

"*1806: Mexico.* Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande. Pike was imprisoned and later released."

If for many years the executive branch of our government could say that the Korean War was not a war, I suppose one should not be surprised to see it now referring to the expedition of Zebulon M. Pike as an invasion. Pike, who thought he was a lieutenant at the time, staggered into Spanish territory, half-starved and half-frozen, while exploring the southwestern reaches of the Louisiana Territory. Pike's Spanish captors believed his purpose to be espionage. However, the exhausted little band of Americans had made impressive detours, finding Pike's Peak; and President Jefferson later vouched for the innocence of their orders. Among some writers the suspicion of espionage has been inspired largely by the devious nature of Pike's superior officer, General Wilkinson, who was an associate of Aaron Burr.

The fourth precedent concerns the years 1806-1810 when "American gunboats operated from New Orleans against Spanish and French privateers." The quoted sentence was taken by the State Department from James Grafton Rogers' book. But Rogers gave as his source Dudley W. Knox's *A History of the U.S. Navy*, and Knox said that the gunboats operated "against freebooters *under the guise* [italics added] of French, Spanish, and English privateers." The ultimate source of this precedent has been the false colors employed by Jean Lafitte *et al.*

In 1810 President James Madison ordered the occupation of part of West Florida, which he claimed as belonging to the Louisiana Territory. American settlers had rebelled against Spanish rule, and so the occupying forces met no resistance. President Madison said that his action was authorized by Congress; various laws had been passed concerning the annexation and administration of the very roughly defined Louisiana Territory, including one that authorized the seizure of Mobile Bay in the present state of Alabama. In 1810, however, President Madison did not press the American claim so far east as Mobile. The State Department now calls West Florida "Spanish Territory" and says nothing about congressional support for the President.

In 1811 Congress authorized the occupation of eastern Florida under certain conditions, including the danger of seizure by a third power (meaning England). Part of eastern Florida, Amelia island, was occupied temporarily beginning in 1812, but President Madison disavowed the army's action. The State Department's new list mentions the congressional authorization and President Madison's disavowal.

During the War of 1812 American forces occupied temporarily one of the Marquesas islands in the southern Pacific. According to the State Department, the island was "claimed by Spain." The island also was claimed by the occupying Americans, whose claim was better than the Spanish one since the Spanish explorer never had seen this particular island, Nukahiva. No solid claim to the Marquesas was established until the French took possession in 1842.

In 1813 Congress again authorized the seizure of Mobile Bay, and a bloodless occupation was effected.

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The authorization is noted by the official list.

In 1815, as mentioned by the State Department, Congress authorized the renewed conflict with Mediterranean raiders: the War with Barbary Pirates.

From 1814 to 1825 American forces fought pirates and Indians in the Caribbean and the southeastern portion of the continent. Sometimes the hostilities spilled into Spanish territory, chiefly Florida and Cuba. The problem of Florida was solved with the territory's purchase in 1821. As late as 1825 pirates were being captured on offshore Cuban islands. The State Department says nothing about whether these activities were authorized by Congress. A pro-executive study prepared by Senator Barry M. Goldwater, who most recently has claimed 197 armed actions, admits that nearly all were "arguably" authorized by legislation. Omitted from Goldwater's list was an 1825 landing on Puerto Rico. In that case, as the State Department neglected to mention, the American commander later faced a court-martial and resigned from the Navy.

The above history takes us up to the administration of President Andrew Jackson, who is not described as as a Founding Father. It is clear, I think, that the early Presidents stayed within the bounds of the Constitution as it originally was understood. Their actions do not support the view that Congress, unless it wishes to "declare" a war, has no say in whether hostilities should be initiated with a foreign state.

As for the remaining portion of the 19th century, the State Department offers a proliferation of incidents that I hardly have bothered to investigate. Many involve landings in Latin America, or shows of force there, during times of civil disturbance. A truly major event listed is Commodore Matthew Perry's opening of relations with Japan. This was an "armed action" in that it involved the use of armed ships and the apparent threat of force, but it was not an "armed action" in the sense that fighting occurred. Congress declared the Mexican war of 1846-1848, and the Spanish-American War of 1898. In the case of the Mexican War, the conflict was made almost inevitable by President James K. Polk's dispatch of troops into disputed territory. By placing a military force in danger of attack, President Polk set the pattern for some future involvements, including the present one in Indochina. However, President Polk did find it necessary to seek a declaration of war.

Foreshadowing the trend of the 20th century, a dramatic departure from legality occurred in 1900 when, during the Boxer Rebellion in China, President William McKinley ordered 5000 American troops to help an international force rescue the legations under siege at Peking. Congress was not in session at the time, and it never did approve or disapprove McKinley's action, which not only was politically popular but took place during an election year. Successive Presidents took more and more liberties with the use of armed force – which is why the State Department began issuing its apologia in 1912. The eloquent Woodrow Wilson, a former professor of political science, twice invaded Mexico without a valid congressional authorization; and he dominated the Caribbean through the Navy Department. In 1917 President Wilson returned to constitutionalism by seeking declarations of war against the Central Powers. In 1941 President Roosevelt requested declarations of war against the Axis Powers; by that time events had gone so far that Congress had no choice. Congress's slowness to deal with World War II resulted in a sense of inferiority that Sen. Fulbright sees as the cause of its present disinclination to challenge the executive's use of power.

By 1950 a considerable erosion of congressional power already had occurred; yet, from the constitutional standpoint, it still was an extraordinary event when President Truman undertook a major war without any authorization from the legislative branch of the government. Truman acted during a time of emergency, and his decision was applauded by lawmakers and public alike. The legal aspect he disposed of by calling the enemy "bandits" and saying, "We are not at war." However, the need for quick action does not fully explain the President's motives. At his leisure Truman could have obtained authorizing legislation from Congress. But he chose not to. Why? An authority on that was the late Dean Acheson, Truman's Secretary of State. In his book of political memoirs, *Present at the Creation*, Acheson said, "There has never, I believe, been any serious doubt – in the sense of nonpolitically inspired doubt – of the President's constitutional authority to do what he did." Acheson admitted that "congressional approval would have done no harm." But the process of obtaining it, he thought, might have hurt the morale of the men already fighting in Korea. There was yet another consideration. Acheson said of Truman:

"The President agreed, moved also, I think, by another passionately held conviction. His great office was to him a sacred and temporary trust, which he was determined to pass on unimpaired by the slightest loss of power or prestige. This attitude would incline him strongly against any attempt to divert criticism from himself by action that might establish a precedent in derogation of presidential power to send our forces into battle. The memorandum that we prepared listed eighty-seven instances in the past century in which his predecessors had done this. And thus yet another decision was made."

The office of the President had become excessively powerful, and even "sacred," through an historical fiction, though legal legerdemain, and through an era of crisis. It is important to bear in mind that this development is relatively recent. It is not what the Founding Fathers "so wisely conceived." It is what they wished to prevent.

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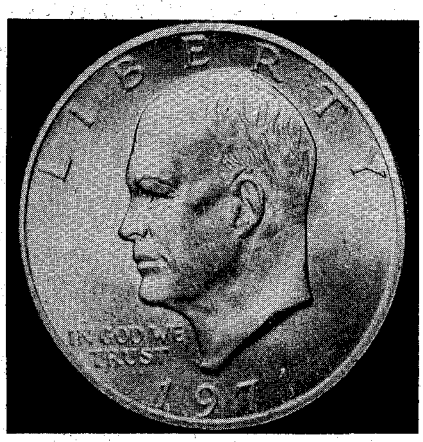
Aaron Marcus on Art

Pop Goes the Eagle

The United States plunked a man on the moon in 1969 and took the prize for the most extravagant, widely-witnessed neo-Dada spectacular ever staged. Less than two years later the government boldly placed itself in the forefront of artistic expression by issuing the first national pop-art commemoration of the event of the century: the 1971 Eisenhower silver dollar.



Consider the details of this remarkable union of art, politics, and economics: on the "heads" side of the coin the bland visage of Ike looks to the left. The lines are simple, clean, antiseptic. In fact as decontaminated as the returning astronaut Neil Armstrong with whom this portrait will probably be mistakenly identified. It is not a physical but an abstract simulacrum of the Ike familiar to the America of 1952 to 1960.

On the other side of the coin is the tour de force. Gone is the stoic symmetry of the Jefferson nickel, the Roosevelt dime, even the Kennedy half-dollar. Below the bold letters "United States of America," as on the cover of a comic book, is Super Eagle, raising its wing as it stamps upon an olive branch on the surface of the moon! What's that up there in the sky? Is it another bird? the mother ship? No, it's mother earth far off in the void with her face slightly askew to reveal Cape Kennedy centered on the disk.

This radical departure from the normally conservative Mint offers some startling changes in the visual qualities usually found on this Janus-like object. Especially warped is the sense of space and the iconic role of traditional forms.

In earlier coinage, *e.g.*, on the Roosevelt dime or on paper currency, the real, the personal side is the "head" side, while the "tail" side is devoted to symbolic attributes of government situated in a highly symmetric, abstract space. In the new coin this relationship has been almost totally reversed. Instead of the full-bodied portrait intersecting the circle of the coin's face, as on the Lincoln penny, the impersonal, severed head of the portrait bust floats within a typographic design of strong symmetry and cold, lean proportions. The word "liberty" and the equally (?) important word "1971" cling tightly to the edge of the coin, leaving within a feeling of emptiness, simplicity, and calm.

But the obverse side. Here is a dense jungle of elements in conflict. The spatial and iconic tensions are reminiscent of the typographic elements incorporated into the first Cubist collages. The statements around the rim have retreated somewhat from the edge of the coin only to crowd the interior space even more. The "e pluribus unum" motto is uncomfortably sandwiched into one of the few remaining open spaces, while the thirteen stars of the original states are now in a most ambiguous semantic relationship. At

one moment they are their former abstract selves; at the next, some strange constellation in the deep space which has been literally depicted. Their confusing visual statement could lead one to ponder what the five craters assembled on the surface of the moon for this coin might signify.

More subtly vexing is a seemingly missing star behind Super Eagle's upraised wing. Can the wing have obscured one of the Original States? Are there then more stars hiding below the lunar horizon? Careful attention proves that there are in fact thirteen, and that the designer of this coin has adjusted the spacing to avoid this embarrassing event. His initials, by the way, appear just below and to the right of the eagle, in what must at first glance appear to be a symbol of man's first lunar litter.

The eagle's strongly contrasting asym-

(continued on page 33)

From the Department of the Treasury's publicity release on the "Eisenhower Dollar Coin"

"Frank Gasparro, the US mint's chief sculptor and engraver, designed the front and back of the Eisenhower dollar coin. . . .

"Mr. Gasparro was standing curbside on Fifth Avenue in New York City on June 20, 1945, one of the estimated 4,000,000 citizens who joined in a tumultuous welcome home and victory parade for the famous Five Star General after the close of World War II.

"Mr. Gasparro got only a fleeting glimpse of the Supreme Commander of the Allied Armies in Europe as he rode by. He carried his image of Eisenhower's courage and character back to work with him at the Philadelphia Mint. . . .

"Mr. Gasparro began work on the reverse of the Eisenhower coin in October of 1969. . . .

"Title 31 US Code, Section 324, requires that an eagle appear on the design of coins in denominations of a quarter and above. The Apollo 11 spaceship, christened 'The Eagle,' landed on Tranquillity Base on July 21, 1969. The majestic bird swooping in for a landing was adopted to represent the Apollo 11 mission. . . .

"Much attention was given to the 'character' of the emblematic drawing of the symbolic eagle of Apollo 11 landing on the moon. Mint Director Mary T. Brooks requested the artist to draw 'a peaceful eagle.' Mr. Gasparro describes his rendition as 'a pleasant looking eagle.' "

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A Tear For The Poor Railroads

The Wreck of the Penn Central by Joseph R. Daughen and Peter Binzen

(Little, Brown; $7.95)

The wreck of the Penn Central continues. To start the new year off, former finance chairman David C. Bevan and two business associates were charged with illegally diverting $21 million from the railroad's treasury. It now seems clear that we have on our hands a major new contribution to the folklore of American capitalism.

The old folklore pictures the businessman as tireless profit-seeker and innovator, irrepressibly devising new ways to get a larger share of the public's dollar. Add a dash of ruthlessness and unlimited greed, and the classical portrait seems especially true of the early railroad buccaneers – Vanderbilt, Corning, Gould, Fiske, Hill, and Harriman – who bribed and bullied their way to some of America's greatest fortunes and also got the trains moving. What then can we make of the railroad men of today, ineffectual and unimaginative, clumsily missing the opportunity to move in and exploit for their own and the nation's profit, the transportation opportunity of a century? Are they deleterious deviates from the mainline of capitalists, or prisoners of circumstances beyond their control? A straight answer is not given in *The Wreck of the Penn Central*, but material evidence is provided for the first hypothesis. As Joseph R. Daughen and Peter Binzen see it, those involved in the biggest business failure in American history, the bankruptcy of the Penn Central in 1970, were purblind bunglers without exception.

The Penn Central was inaugurated in the winter of 1968 with gaudy promises of efficiency and enterprise, as a merger of the tired old Pennsy and New York Central. Neither of the original lines had seen a profit in years and the services of the Pennsylvania, in particular, had deteriorated so catastrophically that only the masochistic or the ignorant ever entered its trains when auto, bus or plane were available. The New York Central was only a shade better; at least it was governed by a railroad man of some repute and skill, Abe Perlman, whose principal failing appears to have been the stunning size of his ego. It was well known that he could do a job only if he was top dog, and without restrictions. So as the first fatal error of the newly merged company, he was made second in command, as president and operations man under the supervision of chief executive and chairman of the board, Stuart Saunders. Furthermore, Perlman was assigned two top assistants whom he roundly despised – vice presidents Henry W. Large and David E. Smucker, the latter of whom, with obvious affection, was called "Mother" by his subordinates.

As for Saunders, his training was in law and his interest in finance. As quoted by Governor Milton Shapp of Pennsylvania, Saunders revealed his central ambition (one evening "after a few drinks") as one of conserving freight and passenger revenue "for real estate investments instead of putting it in the fucking railroad." A third staunch executive prop on which the fate of the Penn Central rested was finance chairman Bevan, now facing conspiracy charges. Although Bevan had been placed in charge of the company's budget, he was deeply miffed because he did not make the board of directors. Perlman, as we have seen, also had a grievance. Saunders hated railroads so much he never used them. For these and other personal reasons, the three top leaders were not on speaking terms. It was easily predictable that things would go wrong and they did.

Shortly after the merger, to management's horror, it was discovered that the computer communication systems of the two component lines had not been electronically attuned, so that, like the top executives, they wouldn't talk to each other. "The merged railroad soon was confronted with lost waybills, missing freight cars, clogged yards, screaming shippers and a serious decline in business, as freight customers quickly grew weary of Penn Central's 'modern' methods and took their orders elsewhere."

Nor did temporary scrapping of the highly publicized "modernized electronically automated equipment" help matters appreciably. Reliance on more primitive means of communication (such as talking) simply uncovered new sources of discoordination. A new freight classification system was introduced, but few were informed about it. "Thousands of employees didn't know the new system; dispatchers for connecting railroads didn't know it; shippers didn't know it. Cars piled up at yards where they weren't expected or wanted. . . . Full freight trains sat idle on main-line tracks, delaying other shipments and creating shortages of yard locomotives needed to move them. In one case, a coal train of more than 100 cars was said to have been lost for ten days outside Syracuse. . . . One traffic manager reported that a rail shipment of his took twenty-six days to get from Yonkers, New York, to Brighton, Massachusetts." As for the passenger service, it was faithful to the record with which the public had already become familiar: it regularly failed to meet scheduled run-

Entreaties

I went to the prince of nettles
and bowing before him
implored a crumb of pain

he said You are not worthy
to suffer Go stare
at the sun

but the sun had gone
into an unscheduled eclipse

I waited for years at the drawbridge
for a ship which was never to pass

the harborman beckoned me Leap
had I trusted him
I wouldnt be drowning there in the sand

to the keeper of the bell tower
I ascended
the iron spiral of his inner ear

he stood draped in ropes
studying a table of changes

One spends a lifetime here
he said Preparing to ring the hour

RUDY SHACKELFORD

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ning times that in general had not been changed since 1899.

But the frosting on the cake of disaster was in Penn Central's financial structure. The justification of the merger, presumably, was the improvement in efficiency, and the economies that would result from consolidating the activities of the two lines, wiping out pointless duplications and trimming and centralizing redundant facilities. It was common knowledge that achieving these objectives would require heavy investments for about five years, after which they would yield their expected dividends. But heavy investment requires money, which is just what the Penn Central didn't possess. In fact, it had just the opposite: billions of dollars of long-term debt, most of which inadvertently came due during the first years of the newly merged company's life and hence had to be paid or duly refinanced. Meanwhile, when the Penn Central started it had all of $13 million in cash, while as for money coming in, the big trouble was that it was going out at an alarming rate. Losses were continuous, rising up to the all-time record of more than a million dollars a day during 1970. Very wisely, the New York banks that could have, declined to help, as did the federal government.

Incredibly, up to the time of dramatic admission of defeat, and bankruptcy, the railroad's board of directors (except for one lone dissenter, who resigned) gave no indication that it was aware of difficulties. It occupied its time with raising executive salaries, sweetening their pensions and stock options, and declaring dividends. The salaries of the top three were, respectively, $240,000, $179,450 and $129,000 per annum. Dividends totaling nearly $100 million were paid out in 1968 and 1969, just before the railroad complained in court that it could not pay its debts, unless, of course, the government would do that for it.

The story of the Penn Central failure, as pieced together in sprightly fashion by the Philadelphia journalists, Daughen and Binzen, is important in itself since it involves the country's largest railroad, now still running under a bankruptcy trusteeship. But it is also important because it brings to the fore once again the pathetic state of the nation's transportation system. Rail transportation ought to be the heart of it, as it is in all other developed countries, but most American roads are not much better, if at all, than the Penn Central, though they are luckier. Their luck is that they are not compelled to carry so many passengers, for as every American knows, passenger service is both ridiculously bad and unprofitable, though the opposite is true in most foreign countries. In Western Europe, especially, excellent service features comfort, ample room, speed, reliability and amenities that were never equalled on American roads even when they were at their best. In crowded Holland the commuting service between its closely spaced cities is good enough to make a New Yorker savage with envy. Why can't we do it here? Do we irrationally fear to nationalize and plan comprehensively, as virtually all western democracies have? And is that in fact the best way, or the only way?

These are questions that Daughen and Binzen do not attempt to answer, and no doubt it would have taken another book, of equal size, to have begun to do so. But the authors do provide, in various quotations, a reminder of railroad men's attitudes toward the public interest. They are ready to fight nationalization of freight transportation to the last drop of their congressmen's blood, because in some 70 percent of their shipments (in coal, grains and other bulky products) they enjoy a virtual monopoly. They also want to get out from under the control of the ICC, and what monopoly wouldn't? As for passenger traffic, where competition requires energy and ingenuity, their attitude may be best summed up in a single word: Disappear! Lacking that ideal, the railroads will settle for having the government pay them for carrying a diminished number of passengers in the same sloppy way in a riskless arrangement that we may good naturedly refer to as "nationalization a la Amtrak." It is an interesting commentary on the modernized technique of the business school fat cats who now occupy the seats of the old uncouth buccaneers.

Melville J. Ulmer

Coming: Joseph Sax reviews Ralph Nader's study group report on water pollution, *Water Wasteland.*

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Unexpected Legacy

Lying Woman
by Jean Giraudoux
Translated by Richard Howard

(Winter House; $6.95)

In the grand chronicle of French literature, the name of Jean Giraudoux looms small, and this posthumous novel, written in 1936 and recently discovered, will not make Giraudoux loom larger, but it will confirm the fact that he is there. I confess that Giraudoux the novelist has only been a speck on the horizon to me. Virtually all his plays have been translated, and many have become standard fare in English-speaking theaters: *The Madwoman of Chaillot, Ondine, Judith, Amphitryon 38, Tiger at the Gates,* among others. Only four of some dozen novels have previously been translated, and I have read only one – *Elpénor* (1919), a tiresome Homeric pastiche.

Like some other French authors, Giraudoux was a professional diplomat and, indeed, wrote *Lying Woman* while on a tour of duty. One of the principal characters, Reginald, is a French diplomat, despite his English name. (Diplomats and politicians recur in his work.) Giraudoux didn't publish *Lying Woman* during his lifetime – he died in 1944 – because, apparently, the three principal characters were too recognizable. So one can assume a certain relation between the author and the splendid Reginald, which adds to the book's appeal because the portrait is perceptive and rigorous.

Lying Woman can be enjoyed as a bittersweet bonbon from one of the best shops. A young Parisienne, Nelly, has simultaneous affairs with Reginald and with Gaston, an earnest businessman who wants to marry her. Reginald insists on imagining that she *is* married, that she is hurrying to their rendezvous as relief from her husband; and she plays that role for him. For Gaston, she invents a small son (named Reginald), and he thinks that when she scurries off in the afternoon, it's to see her secret child of love. Each of the roles pleases the man for whom it's performed, and when each discovers the pretense, he is – rather ungratefully – disenchanted with Nelly. Both affairs end.

She becomes engaged to the elderly Marquis de Fontranges, who knows that she still loves Reginald (whom she always preferred). Fontranges goes to Reginald's office to plead with him to return to Nelly – a wryly comic scene, comically interrupted by the signing of a diplomatic treaty. Reginald believes Fontranges and knows how he himself still feels about her, but the lie blocks the way.

After her wedding to Fontranges, Nelly spies Reginald in the crowd outside the church. The book ends with an ambiguous hint that the relation they once had fictitiously may one day take place in fact.

The book has a few whimsical passages that the reader simply has to survive, but in the familiar conventions of glossy Gallic wit and rue, there is plenty to savor. For instance, Nelly's mother had once separated from her father and had allowed him to return only after he agreed to 31 written conditions, one of which was:

> You will take half as long as you do now to brush your teeth, and you will get rid of that effervescent toothpaste. The thought that you are in this very house with a mouth full of foam is absolutely intolerable.

Or this passage, before Nelly meets Reginald:

> The truth is that Nelly was approaching the moment which comes, one day or another, in the life of every man and every woman, the moment which makes that life either justified or manquée. It is a moment which can come in extreme youth or in extreme age; it is a kind of grace, which is not the grace for the life to come but for life in this world. Till now, it had not come to Nelly. No pressure from the outer world, no reading, no music had ever given her that rape, the only true loss of virginity in this world by which every human being is ravished from a virgin humanity and made to stand in line

There is charm. Professional charm, surely, but what's the difference if it succeeds?

And Giraudoux doesn't stop there. In this novel, at least, he offers something more. Sartre said of him, "The profundity of M. Giraudoux is real, but it is valid for his world and not for ours." Within my (certainly smaller) knowledge of the author, my reaction is just the opposite. In this book his profundity is less than overwhelming, but his validity is a kind of bridge from his world to, in literary terms, ours.

The plot of *Lying Woman* seems to alter in retrospect, as the figurative focus alters; the faces and places and triangular balance change from detail

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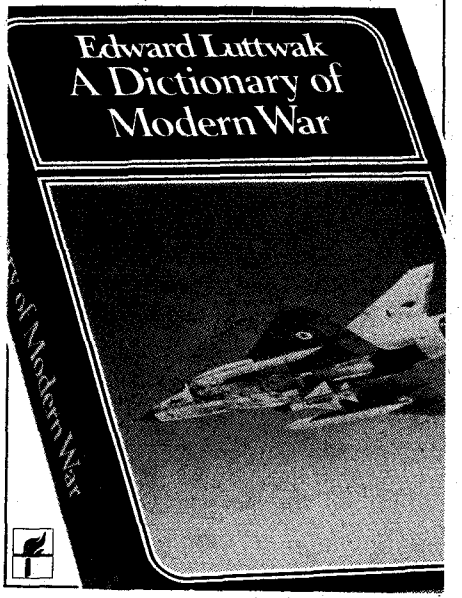

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to outline. As the book moves into abstraction – symbolism would be too weighty a word – we see the pattern of a woman embodying the fancies of two men and being punished for it, possibly because of her willingness to do it, her need to do it, her derogation of self. In this view the book becomes a modest ballet of *attitudes* toward love, of sentimental conventions followed so sentimentally that they become killers, one more proof of the poison of romanticization, a case that writers like Musset had begun to state a hundred years before. At the end of the novel the true lovers, Reginald and Nelly, are split because the disclosure about her has revealed the peculiarities of his ego to himself. This is something he can't quite forgive; so his ego then transforms that revelation into hatred of her for having lied in the first place.

Not shakingly profound, perhaps, but more than the bonbon it seemed at first. Giraudoux's method in itself connects his literary world with that of current French writing. That earlier world could be described as one in which life was made subservient to literary modes. But the essence of the New Novel today is not utter freedom, only conformity to a different set of literary modes. As Vivian Mercier says, "The new realism of the New Novel may consist not in *recording* reality – as Zola, for instance, believed he was doing – but in *inventing* it." The older school rendered the novel-as-a-world in terms of idealized behavior; the new writers from Robbe-Grillet to LeClezio render the novel-as-a-world in terms of microscopic inspection of the novel's texture. Realism is not the issue; one set of conventions has replaced another. The romantic gesture has been replaced by an examination of the arm that makes it, but the self-enclosure is much the same.

Giraudoux has used something of both modes in this novel. It would be dis-

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torting to say that he is concerned with the phenomenological aspects, but he seems chiefly interested in his story for the chance it gives him to examine exteriors, including the contours – rather than the interiors – of emotions. If Colette had written this book, the three principals would have had a life that spilled past the bounds of the story, and the last glimpse of Reginald at the church would have been a stiletto, like the glimpse of Léa in *The Last of Chéri*. But Giraudoux is typifying, even when he deals with feelings. The result is necessarily less warm, but there's a different kind of reward: the pleasure of reading about an emotion well described instead of vicariously experiencing it.

This kind of pleasure is especially difficult to convey in translation. The best tribute I can pay this translation is that, far from forgetting it, I was constantly aware of it – aware, as I read, that this book *exists in English*. It's the work of Richard Howard, the poet (and poetry editor of the *New American Review*), whose many translations of 20th-century French literature are a significant contribution to the literary culture of our time.

Lying Woman couldn't be anything *but* a posthumous novel. If someone were to write such a book this year, it would still sound posthumous. Its particular appeal is as a point of literary transition. Giraudoux once said of himself, with ostensible modesty, that he was a "journalist of mankind." Such a journalist would be aware of shifts in consciousness and therefore of the light in which old modes – such as the story of this novel – would now be seen. The full manuscript was found only in 1968 (a fragment had been published ten years earlier) and it's an unexpected, pleasant legacy, lightweight but delectable.

Postscript. A note about the publisher is in order because Winter House is a relatively new firm and has already shown signs of quality. Examples besides this book: a beautifully produced book about Daguerre prepared by Beaumont Newhall, and a series of contemporary American plays called the Winter Repertory. It may verge on the insouciant to encourage a new publishing house these days, but they've brought it on themselves.

Stanley Kauffmann

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In Brief

Death and the Mines: Rebellion and Murder in the United Mine Workers by Brit Hume

(Grossman; $7.95)

In September, 1969, some three months before his murder, Jock Yablonski was sitting with some of his coal miner allies and campaign workers during his fight to unseat Tony Boyle as president of the United Mine Workers of America. After listening to some of the statements made about Boyle and his leadership, Yablonski said sardonically, "Don't be so ruthless, boys. It can't be that bad." But Brit Hume's book, *Death and the Mines*, reveals that the leadership of the one-time flagship of the American labor movement was indeed "that bad." It documents in quick-moving prose the recent period in the UMWA's history that began with the revolt of coal miners in West Virginia in 1969 about "black lung" and ends with the hired killers of the Yablonski family fleeing into the freezing Pennsylvania night.

Death and the Mines – while a brilliant chronicle of wrongdoing, corruption, arrogance and insensibility of UMWA leaders, past and present – is also a book of hope, for it deals with wheezing, disabled coal miners and their tough wives; courageous doctors and lawyers who helped fight their battles; and working coal miners themselves, who have all forged a movement that will hopefully one day culminate in the reform of the institutions that so vitally affect their lives. Hume, who is being sued for libel by one of Boyle's underlings, will undoubtedly be dismissed by Boyle and his cronies as part of a "conspiracy" to destroy the UMWA – which is nothing but a smoke screen for the UMWA leaders' 20 years of failure. But Hume has written an important and telling book.

Voyeur Voyant by Erika Ostrovsky

(Random House; $10.00)

Erika Ostrovsky has written an ambitious "portrait" of Louis-Ferdinand Céline (not a biography), which treats his life as a work of fiction. The idea comes from Céline himself, as quoted on the overleaf: "A biography . . . is something one invents. Life, also, is fiction." Taking this to heart, Ostrovsky tries to arrange the facts of Céline's life as elements of a modern novel written by a disciple of Céline. She invents details when she needs them, and she refuses to submit to common standards of grammar or chronology. Unfortunately, she likes to indulge in hyperbole – another of Céline's traits – which in her hands simply lessens the credibility of her story and at times turns ridiculous, as when she observes that soldiers in barracks are "Like rats caught in the huge madness, without the dignity of rodents who claw at the trap for escape or bare their teeth in desperate terror." Under this treatment, Europe becomes "a vast charnel house," whores are "sorceresses of sex, initiated into manifold secret desires," and man is said to lie "spread-eagled by his manifold destiny." Yet the style suits her purpose well enough, for it floats Céline in a rich sea of metaphor and blurs difficult questions about his anti-intellectualism, his anti-semitism under the Nazis, and his venomous denunciations of the middle class. In trying to keep her book interesting, the author avoids tedious scholarly debate but runs to the other extreme of superficiality. Though hindered by her style, it achieves its limited purpose of sketching Céline's life and giving an emotional defense of this lonely doctor-writer who believed that "An enormous hatred keeps me alive. I'd live a million years if I could be sure that I would see the world croak. . . ."

Campus Challenge: Student Activism in Perspective by E. Wight Bakke and Mary S. Bakke

(Archon Books; $14.50)

In the social sciences, husband and wife teams have been especially noted for huge empirical studies requiring patient and careful observation or documentation, as in the celebrated works of the Webbs, Myrdahls, Beards and others. In that it is bulky and empirical, the *Campus Challenge* is true to that tradition. It is the work of E. Wight Bakke, of Yale's economics department, and his wife, Mary E. Bakke, a former dean of women at Quinnipiac College.

On a grant provided by the Inter-University Study of Labor Problems in Economic Development, the authors traveled to Japan, India, Mexico and Columbia to find the secret of the youth dissent, which they assumed would have certain common elements wherever it appeared around the world. They also took account, they said, of American experience at Berkeley, Chicago, Northwestern, Columbia, Harvard, San Francisco State, Kent State, Wisconsin and Swarthmore.

Whether the Bakkes found the secret, or any other information not disclosed by casual observation, is not easily determined. Layer upon layer of turgid, pontifical verbiage shield the contents. Nevertheless, for the stubborn reader, this much becomes clear. The investigators conducted 1517 interviews with 1002 students in groups ranging from two to six. They verified beyond the shadow of a doubt that student activists are in the minority, at least in the populations they sampled. They discovered that activists could be classified as reformers, revolutionaries or reactionaries, each group being distinguished by a different set of "presuppositions." They predicted in conclusion that student dissent "will wax and wane with the swings in the occurrence and intensity of events or circumstances the response to which indicates indecision and confusion, on the part of governors and the governed, about the essential character and nature of a university and a nation." But is that a prediction or a word bog?

Wedlock by A.J. Langguth

(Knopf; $6.95)

If we can believe the novelists California is getting worse and worse if that is possible. A.J. Langguth gives us a mess of LA marrieds with their affairs, hangups, divorces and remarryings, and thereby makes another good case for singularity. The style is colder than cool, the model being perhaps Evelyn Waugh; but Waugh is incurably funnier, faster-paced. Langguth seems to be trying to achieve a naturalism that at the same time has shape and sharpness, and he comes out looking wise and talented but, in this instance, also tedious.

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The Participation Put-on: Reflections of a Disenchanted Washington Youth Expert by Toby Moffett

(Delacorte; $6.95)

Toby Moffett, who was born in 1944, may not be old enough to qualify as a youth expert, but he has a story to tell. In the summer of 1968 he was hired by the Office of Education to start a dialogue between government and inner-city youth, and he found himself largely concerned with strategies for wangling federal bread to support inner-city projects. Secretary Wilbur Cohen of HEW, though recognizing the needs of the inner-city alienated, hadn't the power of the purse, and congressmen with the power suddenly took to heart the unproven charges against Chicago's Blackstone Rangers, and began to assume that street people everywhere were plotting to bring down the government.

The good intentions of Johnson's Great Society were replaced by a Republican administration that plumed itself on masterful public relations tactics. As a civil servant Moffett resented that the office he headed should be deflected from legitimate public services and ordered into promotional work. The news that US troops were invading Cambodia was final proof to him that the administration lived in a cork-walled room where dissident voices never penetrated. He resigned.

The Participation Put-on spares neither the author's failures nor the VIPs whose paths he crossed. He sets down Robert Finch's liberalism as Republican mythology and pictures Finch as a charming two-dimensional character. He characterizes Daniel Moynihan's liberalism as fiddle-de-dee and sees the man's true self bared in remarks he made after reading one of Moffett's reports: "Goddammit! . . . Don't forget, Moffett. You're not writing for some newspaper. You're writing for smart people. Like *me*, Moffett." Though some of Moffett's solutions to youth's problems are a bit wild – he would for example hand over control of the public schools to their students – his unintimidated frankness is worth a dozen put-ons.

NOTES ON CONTRIBUTORS

AARON MARCUS *is a graphic designer teaching at Princeton University.* RUDY SHACKELFORD *is currently completing his second volume of poetry,* Life Cycle of the Snowman.

Reconsideration

Middletown

I returned to Robert and Helen Merrell Lynd's *Middletown,* not as a scholar but as a student and observer of contemporary American community life. Thus, I sought not to reassess its place in the literature of the social sciences, but to find clues to the mess that we make of things when too many of us are made to live too close together for our apparent comfort.

Middletown
by Robert S. and Helen M. Lynd
Originally published in 1929 by Harcourt, Brace.
Now available from Harcourt Brace Jovanovich, $3.85.
Middletown in Transition
Originally published in 1937 by Harcourt, Brace.
Also available from Harcourt Brace Jovanovich, $3.95.

Middletown was, as described in its foreword, "a pioneer attempt to deal with a sample American community in the manner of social anthropology." The community, it later became known, was Muncie, Indiana, and it had been chosen without pretense of its being typical. The Lynds sought as their sample a growing industrial city of 25,000 to 50,000 population in the Midwest, with a small Negro and foreign-born element and no "outstanding peculiarities or acute local problems." In their terms, a "mid-channel sort of American community."

The field work was concluded in 1925 and the book published four years later. It seems, on first rereading, very much a product of its time – a kind of Sinclair Lewis novel in documentary form, dealing with the familiar Lewis themes of babbitry and boosterism largely in the language of the twenties, if in the manner of science. The resulting tone is exemplified in the Lynds' description of the function of the cultural anthropologist: "there are, after all, not so many major kinds of things that people do. Whether in an Arunta Village in Central Australia or in our own seemingly intricate institutional life of corporations, dividends, coming-out parties, prayer meetings, freshmen, and Congress, human behavior appears to consist in variations upon a few major lines of activity: getting the material necessities of food, clothing, shelter; mating; initiating the young into the group habits of thought and behavior, and so on."

My first reaction on rereading was that the study was too limited and too dated to offer much help in understanding metropolitan life of the 1970s. But as the data piled up – 550 pages of it in *Middletown* and 600 in *Middletown in Transition,* which followed the original by eight years – the portrait of this "mid-channel sort of American community" began to take on dimension and pertinence.

One of the dimensions was time. The Lynds compared their field data in the 1920s with records of Middletown in 1890 and the memories of one of its older citizens of the mid-19th century. Transportation, the Lynds point out, was then by the "hoof and sail" methods used in the time of Homer, grain was cut as it was in the days of Ruth, and the "madstone," a small bone from the heart of a deer, was used as an antidote for hydrophobia or snakebite. Less than a century later, Middletown lived with x-rays, radio, telephones, automobiles, near-universal education – and, above all, industry and commerce. The business of the town in the 1920s was business, and its influence was far more pervasive even than cumulative technological change. One chapter in *Middletown* is titled "the dominance of getting a living," and another "why do they work so hard?" The madstone had become money and what it meant in terms of status as well as what it could buy in goods.

The Lynds found Middletown's attitude ambiguous toward those without money: "People in actual need must be helped, because you wouldn't let a *dog* starve. But we must not make it too easy for them." Christian charity in this church-going community contended with "the equally insistent religious tradition of individual responsibility," which made a high virtue of "getting ahead." Which begins to suggest the pertinence of Middletown to our day. I grew up thousands of miles from Muncie, but in Middletown; saw Middletown coexistent with minority and "radical" communities in the Berkeley of the 1950s; found it replicated across the landscape of suburban New Jersey in the 1960s. And now I hear a Presi-

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dent addressing Middletown in its own terms, extolling "workfare" and promising "no forced integration" (Middletown's racial attitudes were decidedly unambiguous) – a President defining America as a nation of Middletowns, and in so doing defining an electoral majority.

I have never visited Muncie and don't know the extent to which it remains the Lynds' Middletown. But I do know, by the latest census, that it is now the center of a metropolitan area of nearly 130,000 persons, and that two-thirds of us live in metropolitan areas, most much larger in population. I also know that it is too late to dream of living as the Lynds' Middletowners did, even if we wanted to, much less in the agricultural Muncie of a century ago. Somehow we must learn to live where we are, that is, in the thoroughly urbanized culture of our time. This means that we must create a society in which commerce serves rather than rules, a society more just and more tolerant than the one that the Lynds found in the Middletown of a half century ago.

There is hope in what the Lynds and their investigators found when they returned in the mid-1930s, after the community had experienced an unprecedented boom and then the bust. Relief rolls had been swollen by depression, and there was widespread suspicion that the system of dispensing the dole was inefficient and probably corrupt. And yet: "The community is moving uneasily from its old world of 'charity' to a new and feared world of frank recognition of continuing community responsibility for the unable – whoever they may be."

The Middletown investigators noticed something else when they returned: "An impression of external improvement and sprucing up at a number of points." Schools had been refurbished, a boulevard ran beside the river, and a park and swimming pool had replaced a dump in the center of town. They thought at first that these were fruits of the boom years, but it turned out that they were WPA projects undertaken after the bust.

Why hadn't they been done earlier? The investigators knew that they were "things people talked about and editors wrote about as old, familiar 'local problems' 10 years earlier. Also, there had always been men unemployed and wanting work." The Lynds suggested that these were some of the reasons that the work had remained undone:

1. "A tradition of approaching and stating problems negatively rather than positively," which made "economy" the watchword in local government. Successive city administrations had followed a simple rule: "You can't satisfy everybody, so keep to the middle of the road, keep your neck in, and move only when you are sure of your backing by the right people."
2. This tradition emphasized the average, both in community endeavor and the quality of public officials. Middletowners put their faith in the common man to direct the city's affairs, and distrusted planners, "intellectuals," and "all men who let their thoughts and imaginations run beyond immediacies. Big steps in a world devoted to gradualness are suspect."
3. Middletowners showed a pervasive pride in "how far we've come," which made the present look good as compared with the past. Thus, "an epidemic of only 75 cases of scarlet fever looks good as compared with 300 in the old days." In "the absence of prospective standards," this "fallacy of movement" lulled local criticism and stifled action.

"In a culture so patterned," the Lynds concluded, "the likelihood of the emergence of forthright civic social change through the city's elected and appointed administrators is curtailed almost to the vanishing point." What brought change about in the 1930s, of course, in terms of both caring for the poor and undertaking civic improvements, was the agency of the federal government. Suddenly, with the New Deal, "the city began to move in a non-Euclidian world in which the old civic axioms were suspended and the city was asked to state its civic desires positively, to frame a new series of axioms and to go ahead and act on them. Having no alternative, the city began to play the new game."

This is perhaps the most significant clue offered by Middletown to our current metropolitan dilemmas: the need for national leadership to release and facilitate local change.

The New Deal was followed by a lull in such leadership, as the nation turned to wars, hot and cold, and the individual satisfactions offered by gross national economic progress.

Meanwhile, local problems piled up and deepened until in the 1960s we discovered something called the "urban crisis." Civil disorder erupted and spread beyond the big cities to communities no larger than Middletown (although I could find no record of serious disorder in Muncie).

In cities large and small, a strikingly similar pattern had developed. There had been two massive shifts in population, one from rural to urban areas and the other from cities to suburbs. (The Lynds do not mention Muncie having suburbs in either volume, but by 1970 they were nearly as populous as the city itself.) In the course of these shifts, a sorting out had occurred according to class and color, leaving the cities long on problems and short of capacity to deal with them. America's metropolitan areas were segmented by economic, racial and jurisdictional walls, with need and resources on opposite sides.

We are belatedly coming to realize that the problems which breed civil decay and disorder will not be solved so long as these walls stand. But some, including the current national administration, are willing to wait until the walls are voluntarily razed by those who built them.

It is likely to be a very long wait, almost certainly longer than the patience of those in need can bear. For added to the inhibitions about local problem-solving identified by the Lynds in *Middletown* are other problems peculiar to present-day metropolitan America. As the cities' problems have worsened, they have bred social disorganization of a sometimes violent intensity. Those who have moved beyond the suburban walls fear that, if they are breached, the violence will follow. Also, the residents of Middletown felt themselves parts of a clearly defined community. In terms of functional and economic relationships, the entire metropolitan area today is the "community," but it is not felt as such. We cling to the identity of the social unit closest at hand – a suburb, a neighborhood – and thus are unlikely to feel responsibility for those who live "there" instead of "here."

Given these factors, it is idle to think that solutions to urban (more properly metropolitan) problems will spring from the local level. Moreover, the most serious of these problems, notably race and poverty, are indisputably national in scope. And, given the present fiscal structure, resources sufficient to solve them are drawn to the national government by the federal income tax.

We need to return more of these resources to localities in need. But we need to return them in ways that will breach the walls dividing us and create a "new game" in metropolitan America, as the New Deal did in Middletown.

Donald Canty

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Marcus, *from page 24*

metric stance is especially intriguing. In the iconic form of earlier days one could accept the imposing, if dull, authority of the traditional symmetric pose. Here in this snapshot of an historic event one is led to question whether the eagle is landing, taking off, or sweeping something into one of the craters. One thing is certain: this bird of prey is active, busy. To that extent this face of the coin is full of animation and mystery, a relatively high emotional state in comparison to the opposite side.

How curious and revealing is the change from traditional examples of national coinage, which present the human power of the state contrasted with the symbols of stable government. Here the depersonalized mask of some Everyman confronts the viewer, while behind him strong forces are in deep conflict. From a much different perspective the coin is uniquely significant. One of the single most costly technological achievements undertaken by the richest country in history, the bastion of corporate capitalism, is given its symbolic tribute by being placed on one of the very corpuscles of Mammonic vitality. How fitting and proper. Were this the product of a President and an administration who could laugh at themselves instead of trying to save face on the other side of the world, the irony of this silver-plated copper coin might be less pungent.

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So long as nations give priority to expenditures for military might, there is scant chance of applying the brainpower, manpower and resources needed to solve other rapidly mounting problems which threaten humanity with the breakdown of society, misery and death in multiple ways before the end of the century. These problems include environmental pollution, the gap between rich and poor, hunger and population, urban decay, technological cancers, social disorientations and other troubles.

Apart from dangers of universal ruin, the means of modern warfare comprise the tools of force by which stronger nations interfere in the affairs of weaker nations and enforce imperialistic and colonial policies.

Meanwhile, the civil and human rights of people in all countries are nullified when nations are permitted to keep large and heavily armed military forces, since it is with military force that dictatorships and tyrannies are enforced, movements for peaceful change crushed, and people kept subservient — making a mockery of the Charter of Human Rights adopted by the United Nations.

Despite the extreme dangers to all life on Earth, which are growing every day and year, the national governments not only fail to protect their citizens from these dangers, but on the contrary many national governments are actively increasing the hazards by continuing to install nuclear weapons and to devise other weapons with ever greater capacity for death and ruin.

During the next one to thirty years, in order to survive and prosper, the residents of Earth must overcome manifold problems and perils of planetary scope unknown in history. Yet at the world level, no agency exists which has the authority or competance to cope with the problems, and anarchy prevails.

THEREFORE —

When life is seriously endangered and existing governments are either unable or unwilling to remove the dangers and improve the conditions of life, then it becomes necessary for responsible citizens to proceed with remedies which seem appropriate.

Men and women acting under such circumstances may be described as Trustees acting for the common good, ultimately justified by whether their actions are endorsed by their fellow citizens.

In view of the increasing jeapordy to the lives and property of everyone on Earth, and in the absence of effective action by national governments and international agencies to protect life, we who are listed below, from many countries, have organized ourselves into an Emergency Council of World Trustees to take immediate action on behalf of humanity. Our purposes are to outlaw war and war preparations, to convene a Peoples World Parliament for continuous work, to prepare a Constitution for Federal World Government for submission to the Parliament, to appoint global legislative commissions to prepare legislation on urgent world problems for submission to the Parliament, and to take other appropriate action leading to the establishment of a Provisional World Government under democratic popular control.

As a first action to rescue Planet Earth and its inhabitants from destruction, and to provide a tangible rallying ground for people everywhere who want peace and human rights while moving towards the creation of a Provisional World Government, we do hereby issue this First Decree for the Protection of Life:

1. Upon the effective ratification of this decree, it shall be outlaw and forbidden everywhere on Earth to design, test, produce, transport, sell, buy, install, deploy or use nuclear weapons, chemical-biological weapons, or any weapons of mass destruction, including airplanes equipped for bombing, I.C.B.M.s and other delivery systems, battleships, tanks and all manner of bombs and newly devised weapons.
2. This decree shall go into effect as soon as it is ratified by groups of students and professors at 200 universities and colleges in at least 20 countries, or by the signatures of at least 10 million individuals in at least 20 countries, or any equivalent thereof.
3. Any and all executive, administrative and chief policy making officials in governments, the military forces, industry, scientific work education or labor who may be responsible for violation of this decree after effective ratification, shall be guilty of war crimes and crimes against humanity.
4. Those who sign or ratify this decree thereby pledge themselves personally to abide by the decree. Opportunity to ratify shall be continued beyond the minimum stated herein for the decree to go into effect.
5. Individuals found guilty of violation of this decree may be assigned to rehabilitation and reconstruction work in areas devastated by war, or to other work of service to humanity.
6. Procedures for enforcement of this decree shall be determined either by the Emergency Council of World Trustees upon effective ratification, or by the Peoples World Parliament or Provisional World Government as soon as the latter institutions are established.

PEOPLE OF EARTH, UNITE TO OBTAIN NEW PRIORITIES FOR LIFE, BY SIGNING OR RATIFYING THIS FIRST DECREE FOR THE PROTECTION OF LIFE!

This First Decree for the Protection of Life was issued at the inaugural meeting of the Emergency Council of World Trustees at Santa Barbara, California, Dec. 28, 1971, to Jan. 2, 1972. At time of issuance, the Decree carried the signatures of several hundred persons from all continents of Earth, more than half being presidents of university student unions and other student leaders.

ALL PERSONS WHO AGREE WITH THIS ACTION ARE URGED TO RATIFY THE DECREE AND SEND A CONTRIBUTION TO CARRY THE ACTION FORWARD!

Ratified by ..... Native country .....

Print name ..... Contribution $.....

Address .....

Occupation or position .....

Please send me ..... copies of the Decree to circulate for ratification, together with a list of the first signers. (Note: You can help the cause by printing the Decree at once and circulating it in your community or on your campus. Use this copy for offset printing.)

Return signed Decrees with contributions to the World Constitution and Parliament Association, Inc., Trustees Office, 1480 Hoyt St., Lakewood, Colorado 80215, USA.

:ly signers include: Nobel Laureates Albert Szent-Gyorgyi, USA; Frederick Sanger, UK; M.H.F. Wilkins, UK; 36 members of Parliament of India of 7 itical parties; Presidents or secretaries of Student Assns: Awooner-Williams, Ghana; Jessy Ang, Philippines; Mikael Daher, Lebanon; Sam H.W. Davis, mbia; Aziz Hussain, Singapore; Guillermo Mazzotti, Peru; Carlos Nunez U., Mexico; J.C. Obiri-Ibe, Nigeria; Ronnie Sookhoo, Trinidad; Haile Zama-, Ethiopia; Jane Bishop, Marsha Martin and 23 others from USA; Statesmen R.K. Nehru, India; A. Casely-Hayford, Ghana, Kanichi Nishimura, Japan; l professors, lawyers, businessmen, writers, other student leaders, etc. from 52 countries.

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After a lifetime with television, is it any wonder an 18-year-old is ready to vote?

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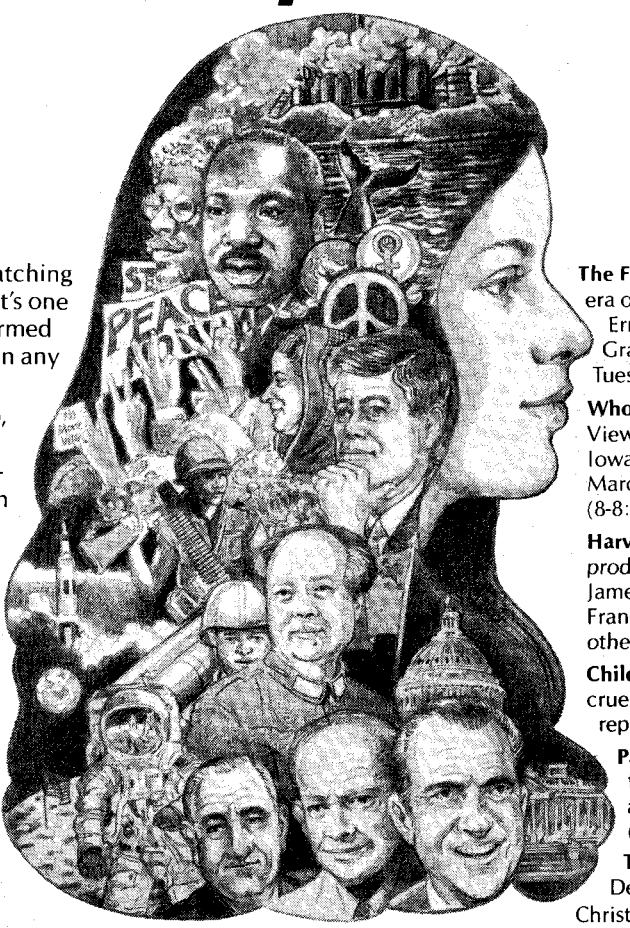

Today's 18-year-olds started watching television as toddlers. And that's one reason why they're better informed and more prepared to vote than any of us were at the same age.

While they were growing up, television began bringing the whole world into theirs. Television gave them a steady stream of news, documentaries and discussions covering all the issues a voter faces, including ecology, economic policy, race, education, international negotiations and conflict.

And while the new voters wait to exercise their franchise, television will continue their education: by taking them to China, to the national conventions and behind the scenes with candidates. It's all part of a political experience that *involves* us.

In the months ahead, television will also entertain and expand the minds of young and old alike with the kind of programs you see listed below.

The Search for the Nile. Concluding four segments of dramatization of scientific expedition. Tuesdays, Feb. 1, 15, 22, 29 (7:30-8:30 pm).

XI Olympic Winter Games. Start of 37 hours of coverage. Tuesday, Feb. 1 (8:30-9:30 pm).

Love! Love! Love! Hallmark Hall of Fame—Musical essay featuring young couples. Robert Wagner, host. Tuesday, Feb. 8 (7:30-8:30 pm).

They've Killed President Lincoln! Final days of Abraham Lincoln are re-enacted. Thursday, Feb. 10 (8-9 pm).

New York Philharmonic Young People's Concert. Liszt: *Faust;* Holst: *The Planets.* Leonard Bernstein, conductor. Sundays, Feb. 13; March 26 (4:30-5:30 pm).

Earthquake! Documentary study of forces causing earthquakes. Monday, Feb. 14 (8-9 pm).

The Lorax. Dr. Seuss story with ecological theme. Monday, Feb. 14 (8:30-9 pm).

Peking. Previewing President Nixon's trip to Red China. Tuesday, Feb. 15 (8:30-9:30 pm).

20th Century Follies. Nostalgic survey of old days of show business, with Alan King, Diahann Carroll, Milton Berle, others. Wednesday, Feb. 16 (8:30-9:30 pm).

The China Trip: President Nixon Leaves for Peking. Report on what visit may bring. Saturday, Feb. 19 (10:30-11 pm).

The Enchanted World of Danny Kaye Presents The Emperor's New Clothes. Hans Christian Andersen classic in new process. Monday, Feb. 21 (8-9 pm).

Man of the Serengeti. National Geographic Society—Studies tribe's link between primitive and modern world. Tuesday, Feb. 22 (7:30-8:30 pm).

Undersea World of Jacques Cousteau. A Sound of Dolphins; The Unsinkable Sea Otter. Friday, Feb. 25; Monday, March 20 (8-9 pm).

Time and the Cities. Archaeological study of Turkey illuminates why cities rise and fall. Sunday, Feb. 27 (4-5 pm).

Babar Comes to America. Animated adventures of elephant touring U.S.A. Sunday, Feb. 27 (7:30-8 pm).

Showdown at O.K. Corral. Appointment With Destiny—Factual story of famous gunfight. Monday, Feb. 28 (8-9 pm).

The Fabulous Fordies. Salute to golden era of movie musicals with Tennessee Ernie Ford, Maureen O'Hara, Betty Grable, Dick Haymes, Frank Gorshin. Tuesday, Feb. 29 (8:30-9:30 pm).

Who Do You Think You Are? A Bird's Eye View of California; A Visit to Humboldt, Iowa. Harry Reasoner, host. Mondays, March 13 (10:30-11 pm); March 27 (8-8:30 pm).

Harvey. Hallmark Hall of Fame—New production of Mary Chase comedy starring James Stewart, Helen Hayes, Arlene Francis, Martin Gabel, Fred Gwynne, others. Wednesday, March 22 (8:30-10 pm).

Child Abuse. Investigating cases of cruelty to children. Frank Reynolds reports. Monday, March 27 (8:30-9 pm).

Pain! Where Does It Hurt Most? New findings on pain, its significance and control. Tuesday, March 28 (8:30-9:30 pm). Tentative.

The Crucifixion. Appointment With Destiny—Re-creation of the last days of Christ. Friday, March 31 (8-9 pm).

Will Rogers' U.S.A. James Whitmore in one-man show as Will Rogers, featuring the political observer/humorist's writings. *Date and time to be announced.*

The Chinese. Cultural/historical essay on Sino-American experience. Date and time to be announced.

REGULARLY SCHEDULED PROGRAMS

Monday through Friday: *Sunrise Semester/*The Today Show/Captain Kangaroo/ Watch Your Child-The Me Too Show/ *Sesame Street/Misterogers'* Neighborhood/ The Electric Company

Thursday: CBS Reports (appearing every fourth week).

Friday: Chronolog (appearing fourth Friday each month).

Saturday: Pop-Up/In the News/ Dr. Dolittle/Barrier Reef/Lidsville/Take a Giant Step/Curiosity Shop/Mr. Wizard/ You Are There/CBS Children's Film Festival

Sunday: Lamp Unto My Feet/Look Up And Live/The Reluctant Dragon and Mr. Toad/Camera Three/Bullwinkle/ Make A Wish/Face the Nation/Meet the Press/Issues and Answers/Kid Talk/60 Minutes/The Wonderful World of Disney

Note: This is, necessarily, a partial listing. Time (NYT), titles and casts of these national programs are subject to change. Please consult your stations listings; check also for noteworthy local programs.

Television Information Office, 745 Fifth Avenue, New York 10022

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